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MEDIAEVAL EUROPE

(814-1300)

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BY

EPHRAIM EMERTON, PH.D.

PROFESSOR OF HISTORY IN HARVARD UNIVERSITY

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BOSTON, U.S.A.
GINN & COMPANY, PUBLISHERS
1894

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The Athenæum Press
Ginn and Company

TO

Charles Carroll Everett

THIS VOLUME IS
DEDICATED

PREFACE.

THE present volume owes its origin to repeated requests, coming from widely scattered and widely different sources, that I would go on with the history of continental Europe from the point where it was left at the close of a little book published in the year 1888. That earlier book, "An Introduction to the Study of the Middle Ages," was written in the hope that it might fill a place, at that time unoccupied, between the manuals of Roman history and those upon mediaeval times. This hope has been fairly realized, and the many kind expressions of good-will it has brought me have given me confidence for this new venture.

When I began the former volume I had in mind a reader of about fifteen years of age; but this person grew insensibly older as the work progressed, and, in fact, the book has found its chief use in the earlier stages of college teaching. This second book will assume a certain familiarity with the period covered by the former, a period now, happily, to be studied in more than one excellent manual. It has for its subject the period extending from the death of Charlemagne to about the middle of the thirteenth century, and it seems important to justify in some way this selection of limits. The division of history into periods is at best a very doubtful matter. Any attempt of the sort must seem to violate the first great canon of historical science that history admits of no breaks in its continuity. All division must needs be arbitrary, and one principle of division is better than another only in so far as it does less violence to that fundamental idea of an organic unity. The least dangerous system would be that which should try to define each period by some quality plainly peculiar to it, not shared by others, or at least not in the same degree, — a something which is common to the whole of the given period and distinguishes it from every other.

Is there such a criterion by which the true limits of the mediaeval period may be determined? The conventional use of the term "mediaeval" is, judged by this standard, most misleading. It includes a period of about a thousand years, in which the most divergent phases of human life are presented. Between the civilization of Italy in the seventh and in the fifteenth centuries, there is less in common than between the life of Athens and that of Boston. If, under such a division, we speak of mediaeval art, do we mean the mosaics of Ravenna, the illuminations of Charles the Bald's missal or the canvases of Raphael? Does mediaeval literature mean the treatises of Abelard, the songs of the troubadours, the monastic chronicles or the splendid vacuities of the Renaissance? Shall we look for mediaeval law in the early barbaric codes, or in the *coutumes* of the thirteenth, or in the *corpus juris* of the sixteenth century? Used in this way, the term mediaeval means so much that it comes to mean nothing. One is continually forced to re-define the word in order to be intelligible.

Yet there is a period of history to which this word may be applied without much fear of error. From the beginning of the Germanic migrations to the time of Charlemagne the only significant word to describe the character of European history is "transition." It is precisely that fact of a passage from one strongly marked set of institutions to another that gives its stamp to the period. After Charlemagne, however, the new institutions, feudal society, the Roman church system, the theological control of learning, have so plainly gained upon the declining institutions of ancient Rome, that we are really in a new Europe. These institutions go on developing, until once more, at about the middle of the thirteenth century, we are conscious of great and decisive changes going on, and by 1300 Europe is well on its way to another complete revolution in its methods of life and thought. Between these two periods of transition, then, lies clearly outlined a space of about five hundred years, which, if ever that could be said of any period, has a strongly marked character, almost a personality of its own. One feels one's self in the midst of institutions which, while they are continually changing and shifting, as human affairs must always do, are yet during this period comparatively steady and uniform. The term "mediaeval" as applied to these institutions may be defined with considerable accuracy. If within these limits we speak of mediaeval art, letters, law, theology, we know what we mean, and thus our whole study acquires a unity of view and purpose.

These are the considerations which have determined the limits of the present volume. The point of beginning is very clear; the death of Charlemagne marks a distinct crisis in the affairs of all Europe. The other limit is less clearly marked; the stream of history widens continually as it moves from the great single empire of Charlemagne to the varied developments of national life in the several European countries. It is therefore impossible to name one point of time which would serve as a useful ending for all the lines of mediaeval progress. The papacy reaches its height with Innocent III (died 1216); the empire is a declared failure by the death of Frederic II in 1250; city-life, a distinctly modern social force, begins its political influence already in the twelfth century, and feudalism runs on, though with great limitations, far into the modern period. So again the progress of mediaeval civilization is very different in the different countries. Feudalism becomes perfectly organized in France while it is still on trial in Italy, and the cities of Italy are great political forces while those of Germany are just coming into conscious being. The closing limit of our period must therefore be a rather vague and variable line, ranging, according to the topic, from about 1200 to about 1300.

Having thus fixed, according to a reasonable principle, the limits of the period, let us ask if we can define with any useful approach to accuracy the character which, we have said, underlies the justness of this periodization. All such generalizing is dangerous, but it may help us to comprehend the detail of our study, if we can see that the mediaeval period is one in which the great effort of human society is to fit itself to certain great abstract ideas and institutions. The peculiar thing about these is that they demand of the individual member of society that he shall, as far as possible, surrender himself to them and seek his highest usefulness by sinking his own personality in some form of corporate life. This absorption of the individual into the corporation is, let us not say the key to mediaeval life, for the human mystery is not so simple that any one key can unlock it, but, at all events, a useful and instructive guide to it.

For example, the two great dominant ideas of a world-empire and a world-church are pure abstractions without any hold whatever upon the solid ground of experience, and yet they succeed, during much of our period, in obscuring all the other and more natural forms of human association. So law, both public and private, was, during this time, not the product of individual legislative thought or action, but purely the outgrowth of tradition, stronger than any existing legislative authority. So learning, of all things, one would say, most dependent upon individuality, was forced into a narrow channel by the great religious institution which controlled it. So literature, tied to a foreign tongue and frowned upon by the rulers of the world's thought, stammered and struggled for utterance, until, with the coming of a new time, it found expression once more through a great series of mighty individuals. Art, wholly devoted to the service of religion, came to despise the technical skill of the single artist and produced its effects, magnificent as these are, by a splendid exhibition of corporate energy, in which we lose sight of individuals entirely. Morality, inseparably bound up with religious ideas, had for its prime object, not the highest development of the individual man, but rather the complete annihilation of all that makes him an individual. Whatever is natural to him, the desire for fame and wealth, ambition, love, joy in the life of nature, all this must be, not utilized to higher ends, but sacrificed. The ideal man of the Middle Ages is the monk. Finally social organization determines itself almost wholly without reference to individual quality, along the lines of certain well-defined classes. The noble, the bourgeois, the peasant, each is above all things a member of his class and cannot, except under extraordinary conditions, pass beyond it. The only exception to this rule is the clergyman, who must, by the very nature of his order, have passed the barriers of a class to enter it. The clergy is the great levelling institution of the Middle Ages, and yet, once in his order, the clergyman is bound more rigidly than any one else to sink his individuality in the interests of his class.

The exceptional difficulty of mediaeval study is largely owing to the very great difference between this society and any with which we are familiar. The very terms of the historical record, king, lord, vassal, corporation, constitution, town, council, governor, judge, tax-payer, army, are utterly meaningless until we re-cast them into mediaeval shape. Kings without a country, rulers without authority, clergymen without religious character, laws without a sanction, privileges without rights are among the most common of mediaeval phenomena. It is the purpose of this book to bring out as clearly as may be some of the actual moving forces of this very complicated age.

Geographically it is confined to the continent, and there the weight of the narrative portion is given to the countries included under the active administration of the Empire. Only in the chapters on the peculiar mediaeval institutions have the conditions in France been made the starting-point, because France is the country in which the growth of these institutions can best be studied. The great amount of space given to the Empire is chiefly due to the absence of useful books in English on that subject.

A word must be added to the already too voluminous literature on the best way of writing mediaeval proper names. Since Freeman began to vex the world with "correct" spelling of familiar words, it has become almost a crime to write any word as our fathers wrote it. It has been deemed an evidence of almost barbaric ignorance to say "Charlemagne" or "Cologne" or "Louis" or "The Middle Ages." One writer after another has put forth a system which should have at least the merit of consistency, but the results have generally been distressing. I have frankly given up from the start any idea of being consistent in this matter. So far as I have followed any principle it has been to use the form which seemed to me most likely to be familiar to my readers. Where too great a sacrifice of this principle was not involved I have given the ordinary German form to German names and the French form to French names and so forth; but where any forms seemed to me sufficiently warranted by common English usage I have used those. For instance, I say Cologne, but I cannot bring myself to say Mayence or Mentz and I prefer Trèves to Trier. I say Ludwig the German and Louis the Pious, but I cannot say Ludovico II, though he is identified with Italy. In short, I have tried to apply a rule which is based only on my own personal impression as to common English usage, and if my impression is different from that of others I see nothing for it but regretfully to differ still.

The manuscript of these pages had the advantage of careful reading by my venerable teacher and colleague, the late Professor Henry Warren Torrey of Harvard University, whose wide and exact knowledge was always freely at the service of others. My thanks are due to Professors E. G. Bourne and H. E. Bourne of Western Reserve University and to Dr. Frank Zinkeisen for valuable help in reading the proof-sheets. More than to all others I am indebted to my colleague, Professor Charles Gross, for the unstinted generosity with which he has placed his learning and accuracy at my disposal. The merits of this volume are largely due to others; its faults are my own.

E. E.

CAMBRIDGE,
August, 1894.

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BIBLIOGRAPHICAL INTRODUCTION.

THE historical literature of the Middle Ages consists of a great variety of material of which, perhaps, the smallest part is what we ordinarily call narrative history. It is practically all in Latin and is almost without exception the work of clergymen. This has naturally given to it its distinctive character. It is a literature as far as possible from being "scientific"; it reflects in the clearest manner the tendency of the period to accept anything it hears and to be rather more inclined to accept it in proportion as it contains elements of the miraculous. Even those writers who declare most distinctly their purpose to tell only what they know, are likely in the next sentence to run off into the wildest tales of things which no human being can possibly know.

It becomes therefore the problem of the mediaeval historian to select, not the authors whom he can trust, for he can trust none, but such parts of the story told by each as seem to rest upon a reasonable basis of human evidence. It is never possible to reject even the most absurd jumble of miracles, since mingled with them there may go a perfectly trustworthy presentation of historical facts. Indeed, such incredible tales are themselves valuable as giving us precious indications of the stage of culture and the habits of thought of the people with whom we are dealing. The impulse to historical recording and narrating keeps tolerably even pace with the literary impulse in general. As civilization advances men begin to turn naturally to the pen to preserve for others the ideas which are taking shape in their own minds. One of the earliest instincts of literature is to make such a record of the doings of heroes as shall keep their names alive. This is not the historical instinct in its true form, but rather the desire to hold up great deeds to the emulation of posterity. Yet out of this instinct comes one of the most important contributions to history, the biographical. The true historical impulse is a desire that those who come after shall know just how things went on in our time, not for any purpose, but just simply from the love of truth.

In the whole period of the Middle Ages the literary impulse is comparatively weak, and that for very evident reasons. Men were occupied with other things; with the making of states, the evolution of laws, the struggle for existence, the balancing of great unconscious social forces. Pure literature did not find the conditions of a vigorous life. So history suffered as well; it is marvelous to notice how curiously the historical impulse seems to take men just up to the point of really valuable and complete recording of events and there to leave them. We could easily understand that men should not write at all ; but it is hard to see why, having done so much, they should not do more and do it better. On the whole, there is throughout our period a gradual increase, both in the volume and in the quality of historical production. The time of Charlemagne is in some ways a real renaissance, that is, it shows plainly the turning of men directly to the original sources of classical literature for their examples in thought as well as in style. After that time there is an evident falling off and it is not until the tenth century that we perceive a new impulse which thenceforth is never lost.

The forms of historical writing in our period are chiefly those already indicated in the earlier time. The most important is the annalistic, the formal recording of events year by year, with more or less of the individuality of the recorder. The term "annals" properly belongs to such records as were really made at the time the events occurred; where the actual writing down of the record takes place later, for a considerable period at once, though still preserving the annalistic form, the name "chronicle" is the more expressive. During the whole of our period this annalistic writing goes on with increasing diligence and volume. It is common to all the countries of Europe and does not vary much in character or merit. The prevailing quality of it is a concise directness of style and a selection of topics such as seemed to the writer most interesting. Usually the centre of his interest is the region in which he lives and items relating to his own monastery often take up space which we could wish were devoted to more widely important matters. The annals upon which we have to rely for the thread of narration in the several countries and periods will be briefly described in their proper connection.

Another form of historical writing is the biography, and this appears in our period under various branches. The favorite subject of mediaeval biography is the saint. Almost all the leading personages in the religious world found biographers among their immediate followers, and wherever the lives of such men touch upon politics in its larger aspects, these accounts become valuable historical material. One learns to separate the mass of the legendary and the miraculous from the truly historical. Lay biographies are also not infrequent. Such sketches as the lives of Otto I, Conrad II, the Countess Matilda and Henry IV, give important contributions to history and are not wholly spoiled by the fulsome laudation common to most such writing. The great religious controversy of the eleventh century brought forth a mass of literature of a polemic sort, in which the party attitude is most prominent and which has to be used with great caution. A typical book of this kind is Bruno's "History of the Saxon War."

Another form of narrative, so frequent as to deserve a separate mention, is the so-called "*Translatio*," that is, the account of the transfer of the bones of a saint from their original resting-place to the church of which they were to be the chief ornament and the most profitable investment. The primary object of these accounts is to establish the authenticity of the relics by means of the abundant miracles which they performed, but going along with these fables is frequently much that is historical, and often a gap in more regular histories is supplied from such a source.

Far more important than all these, however, is the unconscious material of history in the form of official documents of every sort. This material increases rapidly in our period with the increasing sense of the importance of documentary evidence for the possession of land and of those manifold privileges which made up the sum of feudal rights. Where all society rested upon individual contracts, the making and preserving of such contracts was a matter of prime necessity. Modern historical study has concerned itself very largely with gathering and publishing this documentary material and we have the results in vast collections accessible now to every scholar. By far the larger part of it relates to the property and the exemptions of religious houses. More documents of this kind have been preserved, partly because of the greater security of the monasteries and partly because of the longer continuity of the religious corporation. Such a house as St. Martin's at Tours, for example, with a continuous existence of centuries, was like a fortress in the midst of a war-swept land. It stood there, while the families of the lay nobility in possession about it were carried away by the accidents of human experience, firm in the regard of the community and able constantly to stretch out its clever hand and draw in a bit here and a bit there, never failing to fortify itself with a written document. In course of time its "cartulary," as the collection of documents was called, became a kind of written constitution, able to withstand all the aggressions of mediaeval opponents and only giving way when a changed conception of public right had put new weapons into the hands of the state.

The student of mediaeval history who wishes to proceed scientifically, will make acquaintance first with certain indexes to the literature of his subject. The most comprehensive of these is Potthast, *Bibliotheca Historica Medii Ævi*, 2 vols., 1862–68, which gives in alphabetical order the titles of most mediaeval historical works, with a brief indication of their contents, the existing manuscripts and modern commentators upon them, together with a mass of other useful information. More recent is Chevalier, *Répertoire des Sources Historiques du Moyen-Âge*, 1887–88, a general bibliography arranged alphabetically by authors. Dahlmann-Waitz, *Quellenkunde der Deutschen Geschichte*, 5th ed., 1883, is a handily arranged index of titles to all historical writing, contemporary and modern, about Germany and other countries as related to Germany. Monod, *Bibliographie de l'Histoire de France*, 1888, is an attempt at the same thing for France. W. Wattenbach, *Deutschland's Geschichtsquellen im Mittelalter*, 2 vols., 1873–74, carries us one step further. It is an attempt to give a connected survey of the progress of historical writing in Germany, with some account of the authors, their relation to the general state of literature and their claims to credit as historians. Nothing precisely like it exists for other countries. Ebert, *Geschichte der Literatur* *im Mittelalter*, 3 vols., 1880–89, contains valuable notices of historical, in connection with other forms of literature.

The texts of the historical writers of the Middle Ages have been published with great care and zeal during the last hundred, and more especially during the last fifty years in every European country. The earliest of the great collections is that of Muratori, *Rerum Italicarum Scriptores*, in 25 vols., fol., 1723–51. The next in order of time is that of Bouquet, *Rerum Gallicarum et Franciarum Scriptores*, in 23 vols., fol., containing also many documents, letters, laws, etc. Then come the *Monumenta Germaniæ Historica*, the first 24 volumes of which were edited in folio form by Georg Pertz, beginning in 1826. This colossal undertaking is still actively going on, the volumes now appearing chiefly in quarto form. It is divided into the several departments of *scriptores*, *leges*, *diplomata*, *epistolæ* and *antiquitates*. The principal mediaeval historians of Germany have also been reprinted in octavo form for the use of students from the texts of the *Monumenta* and many of them have been translated into German under the general title *Geschichtschreiber der Deutschen Vorzeit*. For England we have the *Kerum Britannicarum Medii Ævi Scriptores*, published by the government and generally quoted as the "Rolls Series." Of course, many of the authors appear in more than one collection and many of those in the collection for one country are essential to the study of other countries.

Along with these collections of authors have grown up also innumerable publications of documentary material, generally gathering into one or more volumes those documents which relate to the history of a particular territory. The use of such collections has been greatly facilitated by very complete descriptive indexes, called *Regesta*, as, for example, those of the imperial decrees edited by Böhmer and his successors, those of the popes by Jaffé, Potthast and others;

for France by Bréquigny, for England in the Syllabus to Rymer's *Fœdera*. In such publications one expects to find a critical account of the given document, especially in regard to its genuineness, a brief abstract of its contents and a reference to one or more places where it may be found.

A vast literature of aids to the study of original materials, especially of documents, has also come into being, keeping pace with the output of material itself. The great dictionary of Du Cange, *Glossarium mediæ et infimæ latinitatis*, in 7 vols., 1840–50, and in a new but less valuable edition in ten volumes, 1883–87, is essential to a thorough study. Brinckmeier, *Glossarium diplomaticum*, 2 vols. fol., 1856, gives most of the difficult words in both Latin and old German documents. Oesterley, H., *Historisch-geographisches Wörterbuch des Deutschen Mittelalters*, 1883, gives first modern German names of places and then their various mediaeval forms. Mas-Latrie, *Trésor de chronologie*, *de l'histoire*, *et de géographie*, 1889, is a storehouse of curious and exact learning on a multitude of points.

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MEDIAEVAL EUROPE.

CHAPTER I.

THE FORMATION OF THE EUROPEAN STATES.

814–888.

LITERATURE.

ORIGINAL SOURCES.

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EGINHARDUS, Vita Caroli Magni, ed. A. Holder, 1882.—transl. Wm. Glaister, 1877.—transl. S. E. Turner. Harpers' Half-hour Series.

Annales Laurissenses, 741–829. *Mon. Germ.* i, 134, so-called because the oldest manuscript was found in the monastery of Lorsch, but believed to have a semi-official character.

Annales Einhardi, 796–829. *M. G.* i, 124, probably a revised version of the *A. Laurissenses.*

Monachus Sangallensis de gestis Karoli Magni. *M. G.* ii and Jaffé, *Bibl. Rer. Germ.* ii.

THEGANUS, *Vita Hludowici.* *M. G.* ii.—*Anonymi* (*Astronomi*), *Vita Hludovici.* *M. G.* ii.—ERMOLDUS NIGELLUS, *In honorem Hludowici libri* iv. *M. G.* ii, and in *Poetæ Latini Æevi Carolini* ii. Three lives of Louis the Pious, all in extreme partisan spirit.

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Territorial Limits.

THE Empire of Charlemagne, the theatre of our narrative, extended at the time of its greatest expansion from the river Ebro in Spain northward over all of what is now France, Belgium and Holland to the North Sea, from the Atlantic on the west to the Oder on the far northeast, and to that part of the Danube which flows directly southward on the far southeast, and from the Danish Eider on the north to the Italian Garigliano on the south. If we place one point of our compasses on the city of Basel in Switzerland, we touch with the other pretty nearly these outermost limits.

The Border Peoples.

But the control of the Empire of the Franks over these widely-extended lands varied very much with their distance from the centre of authority and with the character of their population. Along the whole eastern frontier stretched an enormous belt of territory occupied mainly by Slavonic, or at all events by non-Germanic peoples. The dread of Charlemagne's power, enforced by the maintenance of strong bodies of troops in their neighborhood, served to hold these peoples in a state of semi-dependence. From time to time they worried the frontier and were then forcibly reminded of their weakness; but they did not in the strict sense form a part of the great empire. They were not Christian, they were not German: their law was not regarded as equally good with the Frankish. Their relation to the empire was rather that of subject peoples than that of membership in the body politic.

The True Frontier: On the East.

If, then, we leave out these outlying districts, we shall find the eastern frontier of the Empire withdrawn by a very considerable distance. It will include a small territory north of the lower Elbe, will run southward along the middle Elbe and the Saale, will then follow the Danube valley toward the southeast far enough to take in the Bavarian Ostmark, will then swing around to the southwest so as to include Carinthia and Carniola, and touch the Adriatic just east of the peninsula of Istria. This is the true frontier. It leaves out the country of the Wilzi and the Sorbi, Slavonic peoples on the northeast, and Bohemia, Moravia and Pannonia on the southeast, over all of which Charlemagne had a nominal control; but it is of interest to us as being the great historic eastern border of Germany. During the whole of our present period it remained, with a slight general advance toward the east, the permanent line of division between German civilization and Slavonic or Tartar barbarism. We shall have little to say of events on this frontier, excepting as they reacted upon the fortunes of the central state. The highest interests of the empire did not lie toward the east, but rather toward the south and west; but we can never lose out of sight that underneath all the more absorbing events of political life, there runs a steady current of effort to maintain this frontier intact and even, as opportunity offered, to push it gradually farther and farther back into the territory of the new peoples beyond. Indeed one of the most interesting episodes of mediaeval history is the slow but certain advance of Germanic civilization, and with it of Christianity, into these outlying regions.

South and West.

If we take up the frontier line once more at the peninsula of Istria, we shall find it running around the Adriatic coast as far as Ortona and then across Italy to near the mouth of the Garigliano. Thence it passes again along the Mediterranean shore to near Barcelona, where it runs westward to the upper Ebro and so on northward to the southeast corner of the bay of Biscay, and then in an unbroken line along the Atlantic and the North Sea to the river Eider in Denmark.

Within these limits the drama of mediaeval life was to be played. The population was divided by a vague line running, say, from the mouth of the river Seine to Basel and thence to the head of the Adriatic, into two great divisions, which we may well enough call, as they called themselves, the Romanic and the Teutonic, or German. If we compare this line with that of the Rhine and Danube, the ancient frontier of the Romans toward the Germans, we see how greatly, during the four hundred years before Charlemagne, the Germanic nationality had advanced upon the Romanic. Not only had new Germanic blood come into those middle regions between the earlier and the later lines where the population had always been largely tinctured with Germanic elements, but the whole region which had once been Roman had come under a new set of institutions, political, social, military and legal, whose origin was in great measure Germanic.

Division of Population.

The history of those four hundred years is the story of the movement of a number of German races from their home in the northern plain of Europe on to the lands formerly held by Rome, and of the final subjection of all those races on the continent under the political control of the Franks.[1] Spreading out from the ancient Frankish land along the Maas, Scheldt, Somme and lower Rhine, but not losing their hold upon it, the Franks had successively conquered their relatives on the east as far as Thuringia, the Alemanni on the upper Rhine and Danube, the Visigoths in southern Gaul, the Burgundians in the valleys of the Rhone and Saône, the Lombards in Italy, the Bavarians along the middle Danube and, finally, the Saxons and Frisians in the far north.

Movement of German Races.

The military genius and the administrative skill of Charlemagne had welded all these widely extended regions into a great compact territorial sovereignty, held together by community of blood and religion. By a wonderful exhibition of firmness and toleration he had left to each of the constituent parts its local law and, so far as possible with safety to the state, its local administration, while at the same time he had been able to convince them that their best interests lay in keeping up the firm alliance with the Frankish state which he had forced upon them by conquest. He had known when to stop in his great military career, had resisted all temptations to become a universal conqueror and contented himself with securing the combination of all the Germanic races of the continent into a great Christian empire under Frankish leadership. Germanic nationality, the Christian religion according to Rome, and the leadership of the Franks,— these were the three bases upon which the Empire of Charlemagne rested.

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[1] See Emerton's Introduction to the Study of the Middle Ages.

Administrative Policy of Charlemagne.

This empire forms the point of departure for all study of the Middle Ages, and we must therefore look at it a little more carefully. The formal origin of it was the coronation of Charlemagne as Emperor of the Romans in the year 800, by Pope Leo III, in the church of St. Peter at Rome. It is a much disputed question, just how this coronation affected Charlemagne's right to the imperial name and power,—whether he was emperor because the pope had crowned him, or whether the coronation by the pope simply gave a religious sanction to an act, which, as far as right was concerned, would have been just as valid without it. It has, of course, been for the interest of papal writers to make the rights of Charlemagne—and therefore of his successors—depend upon the papal sanction; but if one judges from the actual events of his reign, one must come to the conclusion that if the coronation had not taken place just when and just as it actually

The Coronation of Charlemagne.

did, it would have been carried out at some other time and in some other way.

His Own Understanding of it.

In other words, the power of Charlemagne was an imperial one long before he began to be called emperor. His conquest of all the Germanic nations of the continent had made him more than a king of the Franks, and this increase of dignity and power was best expressed by a word which carried the imagination of men back to the old Roman imperial dominion. That Charlemagne himself had no doubts whatever as to a distinction between his royal and his imperial position, all his acts after the year 800 tend to prove. One of the earliest of his general laws provides that "every man in his whole realm, be he clergyman or layman, shall renew to him as emperor the vow of fidelity which he had previously taken to him as king," and that "those who have not as yet taken the former vow shall now do likewise, even down to boys of twelve years of age."[1] Indeed, the whole body of the imperial laws, directed to all the inhabitants of the empire, were expressly aimed at harmonizing local differences and giving to every citizen of this vast region a sense of political unity with all the rest, and of immediate dependence upon the imperial authority at the centre.

The "Missi Dominici."

These general laws, the so-called "capitularies," were made public through the agency of the *missi dominici*, the king's messengers, who were sent out from the emperor's court, and who had orders to see to it that the commands of the emperor were carried out in every particular. Minute regulations, which have been preserved to us, were given them, so that no function of government might be overlooked. Starting out in pairs, a bishop and a count together, each pair moving within a prescribed district, these highest agents of the imperial will were bound by their oaths to see that the lesser officers, the local counts, did not fail of their duty. The opening words of the great general capitulary "*de missis*" of the year 802 are a noble statement of wise legislative and administrative purpose :

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[1] See Introduction, p. 219.

The Capitulary "de Missis."

> The most serene and Christian lord, the Emperor Charles, has chosen from his nobles the wisest and most prudent, archbishops, venerable abbots and pious laymen, and has sent them out through all his realm, and has ordained through them to all his subjects to live according to the true law. And wherever anything is going on contrary to right and justice, he has ordered them to search this out diligently and mark it carefully, desiring by the help of God to set it right. And let no one, as many are wont to do, hinder the working of the written law by his own power or cunning, or try to seek justice for himself, either against the churches of God, or the poor, or widows and orphans, or against any Christian man. But let all, according to the command of God, live reasonably under just law, and let all by common consent abide each in his own function or profession, — let the canonical clergy observe the canonical life, free from concern with base lucre; let monks guard their life with diligent care ; let laymen live under their proper laws without fraud or malice ; let all dwell in perfect peace and charity one toward the other.
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> And if any case arise which they (the *missi*) cannot, with the help of the local counts, correct and bring to due justice, let them without delay report it immediately to the emperor ; and let not the way of justice be disturbed by any one, either through the flattery or bribery of any man, or through the protection of any relative, or through fear of the powerful.

Charlemagne desired Unity,

It is clear that one purpose of Charlemagne was to build up a great centralized governmental machine, whose working should be regulated by the imperial will ; but it is equally clear that he did not aim to destroy the vigor of local institutions. His only purpose was to secure the working of these institutions according to law and justice and the practice of the Christian church. The emphasis laid upon the written law was meant to enforce the use of the capitularies and of the codifications of the old Germanic folk-laws as against any oral tradition whatever. It seems incredible that a man who had spent the best energies of a long life in building up this great administrative system should have taken so little pains to make it permanent. He had done what he could to secure the Frankish nation against the countless ills which under preceding kings had followed upon the division of power among sons. He must have known from the pages of Gregory of Tours, if in no other way, what a terrible curse the principle of division had been in the past, and yet he was not capable of rising superior to a tradition so full of evil omen for the future of his race. He gave his sanction to the continuance of a practice which had proved fatal to the best interests of the Frankish people.

but neglected to secure it.

He had been emperor but six years when he put into written form a division of the empire between his three sons. These sons were already serving as his governors, with the title of "king," in various parts of his wide dominion. The annals give as his motive[1] "that each might know which part he was to administer if he should survive the father," and in the beginning of the decree of division we read "that each, content with his own portion, according as we have established it, may by the help of God the better defend the boundaries of the kingdom where they touch upon men of another race, and may preserve peace and love with his brothers." Evidently his fear was that worse evils would follow an attempt to make one son superior to another, than if he should antici-

Division of 806.

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[1] Annals of Einhard, ann. 806.

pate their ambition by giving them each a share in advance. To Louis, the youngest son, who had for some time been governing in southern Gaul, he gave Aquitaine, Gascony, Septimania, Provence and a great part of Burgundy. Pippin, the second son, was to have Italy, Bavaria, Alemannia south of the Danube and a great part of the Alpine country. The oldest son Charles received all the rest, that is, the old Frankish territory of Neustria and Austrasia, with the eastern Frankland, Thuringia, Saxony and Frisia. His share was the largest and the most important, but otherwise he was not distinguished above his brothers.

Mutual Relations of the Sons.

The decree of division[1] goes on to define the relations of the brothers to each other. They are to stand by one another in all cases of need and for this purpose Charles is to have the valley of Aosta and Louis the valley of Susa as an easy means of approach to Italy, while Pippin can get out of Italy by the Bavarian Alps and Chur. Each brother is to respect the borders of the others, to refrain from any interference in their affairs and bear them aid to the best of his ability, whether against foreign or domestic enemies. Further clauses regulate commerce between the divisions, the rights of fugitives from justice, the legal status of vassals and numerous other matters which seemed likely to cause misunderstandings.

Settlement of Disputes.

"If any legal suit or disagreement or controversy in regard to the boundaries shall arise between the divisions, which cannot be settled by the evidence of human witnesses, we desire that the will of God and the truth of the case be ascertained by the judgment of the cross,[2] and that never in such a case shall any form whatever of duel or combat be resorted to. But if, which God forbid, any breach of these arrangements shall occur through ignorance or for any cause whatever, we command that it be healed as rapidly as possible, lest by reason of delay a greater injury result."

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[1] *Divisio regnorum*, 806, Feb. 6. Boretius, *Capit. reg. francorum*, i, 126.

[2] A form of the ordeal according to which the parties in a suit stood, each with arms outstretched against a cross, while prayers were said. The party whose arms first fell from exhaustion was bound to prove his suit. Brunner, Deutsche Rechtsgeschichte, ii, 418.

Purpose of the Division.

The final paragraph of this most interesting document is as follows: — "And all these arrangements we have made and established by a firm decree in order that when it shall please the divine majesty to close our mortal life, our power, both the kingdom and the empire, may be preserved by God as it has been up to this time, in rule and in government and in all supremacy, both royal and imperial, and that our beloved sons may be obedient to us and that our people may be acceptable to God, in all submission, as a father may expect from his sons, and a king and emperor from his peoples. Amen."

Dangers of Division.

Throughout this carefully-worded document one feels the anxious dread of the aging emperor lest the fair political structure he had built up with such infinite pains should be ruined by the natural selfishness of men. Clearly he felt that the safety of the whole depended upon his keeping alive in his sons a strong sense of unity of interest, and yet he did everything to destroy that unity and supplied nothing, except fervent exhortations, to maintain it. In the first place the mere fact of division was a peril to unity of action or of feeling, yet in making a division Charlemagne was doubtless urged on by an old Germanic tradition too powerful to be resisted. Then, if we examine the lines of

No Natural Basis.

partition we see that they were drawn without reference to any permanent sources of political strength. No one of the brothers had under him a compact and homogeneous population, which might have given promise of a continuous political development within its own limits. Consider, for example, how full of occasions for misunderstanding was the border-line which separated the territory of Pippin from that of his brothers. It followed no natural lines, either of surface formation or of race distinction; it included populations, for example those of Bavaria and of middle Italy, which had absolutely no traditions of any sort to bind them together.

Finally, the Act of Division of 806 omitted altogether any reference to the one political idea which gave promise of being an effectual bar to these agencies of separation. The Empire is not mentioned, excepting indirectly in the concluding paragraph just quoted. One can draw from this omission only two conclusions: either Charlemagne thought of the imperial power as divided, just as the royal power was, or else he conceived it as something belonging to himself alone, and not to be handed on to his successors. It is hardly possible that he should have considered it as necessarily connected with one of his sons, without fixing by decree which one it was to be.

No Reference to the Empire.

The complications which this plan of division of 806 must have produced were postponed to another generation by the death of the sons Charles and Pippin in the life-time of the father. The scheme, however, is of permanent historical interest, as showing what Charlemagne's own view was — or was not — as to the continuance of his power. His great political wisdom in all other matters makes it not improbable that he believed the further maintenance of so enormous powers in one hand, especially in that of one among several brothers, would be against the best interest of the whole. Possible even that he let go the whole plan of an empire in order to preserve a substantial unity by a division of the parts.

Historical Value of this Division.

The death of the two elder sons, however, removed all anxiety on the score of rivalries, and seemed, by the very logic of events, to bring back the idea of the Empire once more into prominence. Pippin, who died in 810, left one son, Bernhard; and Charles, who died in the next year, was never married. A clause in the decree of 806 shows that it was Charlemagne's intention that, if a grandson acceptable to the people should survive his father, he should succeed to all the father's rights, and in accordance with this principle, Bernhard was sent into Italy in 812 as king in his father's place.

The Imperial Idea again.

The final act of Charlemagne's life in reference to the succession was the solemn coronation of his only surviving son Louis as emperor. Louis's biographer, Theganus, describes the ceremony in detail. Charlemagne, broken with years and grief at the loss of his two sons and several other relatives, had brought the question of the succession before an assembly at Aachen in the spring of 813, and had received unanimous consent to the coronation of Louis. In the autumn he summoned his son to court, and on Sunday, the 11th of September, proceeded in full imperial state with him to the church of St. Mary. There, after solemn prayer and an earnest exhortation to the son to fulfill his office as became the son of Charlemagne, he bade him take from the altar a golden crown and place it upon his head. So says Theganus, a contemporary and intimate associate of Louis. Other writers imply that the father placed the crown upon the son's head; but in either case the point is the same. The coronation was *not* by the pope of Rome, nor by any clergyman, a proof conclusive that the sanction of Rome was not needed to make the coronation or the acts of an emperor valid. Furthermore, there was, so far as we know, no protest against this ceremony,—and, on the other hand,

Coronation of Louis as Emperor.

Louis was surely never wanting in due respect for both church and papacy. The simple fact was that at this time the close connection of empire and papacy was not yet established.

Succession of Louis the Pious.

Four months later, in January, 814, the aged emperor died, after ruling as king for forty-seven years, and as emperor for fourteen. By this event Louis, known to his contemporaries as "*Pius*," found himself without question sole ruler of the Franks and sole bearer of the imperial name. It seemed as if he had only to take up the burden of government where Charlemagne had laid it down, in order to continue the glorious career of his father. But between these two men there was all that difference which usually appears between one who has built up a power by pure force of character and one who has received it ready to his hand. True, political institutions have often proved stronger than the men who appeared to manage them, and have kept their force and influence long after they had passed into feeble hands; such was the case with the institutions of Rome during the long period of her decline.

Instability of Charlemagne's Institutions.

The death of Charlemagne showed how far his institutions were from having the Roman solidity or permanence. They were largely the work of one man, or went back at most to one or two reigns before his. The only way to preserve them was by keeping up the sleepless energy which their founder had shown. The problem of the future was clearly this: Would Louis be the man to maintain this policy? The forces of disunion were not wanting; Charlemagne had kept them down with a strong hand, but would they now begin to act? The history of the next generation is the answer to this question.

Difficulties began almost as soon as the new reign began.

Louis's Weakness of Character.

Louis had never been intimately associated with his father in the general government. He had lived most of his active life in Aquitaine and even there had shown signs of that fatal weakness of character which was to bring his kingdom to the verge of ruin. His trouble seems to have been, not lack of capacity — he had on the whole administered the affairs of Aquitaine well and had merited his father's praise for it, — but rather want of steadiness and persistency. He let himself be influenced, now by one party, now by another, until no party could depend upon him for a moment. The trait of profound religiousness which in Charlemagne had never stood in the way of prompt and vigorous action, took in Louis the form of a degrading and superstitious yielding to clerical influence. His gentle and charitable nature became the pliant material out of which unscrupulous advisers, lay and clerical, could make what they liked. In a crisis when institutions were unstable and personality was all-important, the personality of Louis failed to meet the great demands of the time.

His Religiousness.

Question of the Succession.

To begin with, Louis was forced to face the same difficulty which had met every Frankish ruler from Clovis to Charlemagne, how to arrange for the succession. He had three sons, Lothair, Pippin and Ludwig, all at the time of his accession in the full energy of youth and ready to put in their claims to a share in the power. There was no question of excluding them; the only question was, how to regulate the division and how to provide for the future, so that the peace and unity of the empire might be preserved.

The earliest acts of the new ruler show a decision and energy which seemed to promise the best results. He found the court suffering from the loose moral tone which Charlemagne had rather encouraged than repressed, and

Hasty Attempts at Reform

did his best to purify it. We have a remarkable document[1] in which he orders a careful examination of all departments of the court and the removal of all disreputable persons. So far good; but he seems to have gone on, moved by some unreasoning jealousy, to degrade and remove from influence all friends and advisers of his father. Thus at the very outset, by a display of misdirected energy, he raised a hostile party among the great Frankish aristocracy, which thenceforth never ceased to worry him.

Create a Party of Malcontents.

At the head of this party were the two brothers Adalhard and Wala, own cousins of Charlemagne, who had been among his most trusted counselors, and who were now deprived of their offices and sent into a limited form of exile. The nephew Bernhard, Pippin's son, who, in accordance with Charlemagne's order had succeeded his father as king in Italy, was summoned to Aachen and, although allowed to return to Italy after taking the oath of vassalage to Louis, seems never to have had complete independence of action in Italy and within three years was led into that fatal revolt which has made him the most pathetic figure in our history. Three half-brothers, illegitimate sons of Charlemagne, were ordered into the immediate neighborhood of the new emperor and on reaching years of discretion were forced into the monastic life. The same disposal was made of five sisters, who up to that time had shared the gay and slippery life of Charlemagne's court. These acts described, rightly no doubt, by Louis's biographer as evidence of his great piety, show how completely he was inclined to break with the traditions of the previous reign.

Only on one point, and that the most fatal to himself, did he follow the example of Charlemagne. He divided the administration with his sons. The oldest, Lothair, was put in charge of Bavaria, and the second, Pippin, of Aquitaine, though, probably, as yet without the title of king. The youngest, Ludwig, was still too young for such service.

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[1] *Capitulare de disciplina palatii Aquisgranensis.* Boretius, *Capit. regum francorum*, I, 298. an. 820 (?).

Relations with the Papacy.

The first two years of Louis's reign were mainly occupied with military operations on the frontier, and in establishing his connections with the various parts of the kingdom. From the year 816, however, events crowded thick and fast upon each other. Louis's accession to the throne had taken place without any reference to the papacy. It remained to be seen what view would be taken of this precedent, when an active pope, jealous of the Roman interest, should occupy the seat of Peter. On the other hand it was a question how the new empire would stand toward elections to the papacy, in short, which of these two great ideal powers would succeed in controlling the other. The pope, Leo III, who had crowned Charlemagne and allowed Louis to crown himself, died in 816 and was succeeded by Stephen V. His election took place without reference to the emperor, but he immediately sent to announce the event to Louis, and to inform him that he would at once cross the Alps for a visit to the Frankish court.

Louis re-crowned by the Pope.

Louis made every preparation to receive him in state at Rheims, and in less than two months after his election Stephen was on his way. Evidently nothing was more important to him than his relations with the Franks. The few days of his stay at Rheims were filled by almost uninterrupted negotiations, of which we have only meagre accounts, though it is clear that they were mainly concerned with the maintenance of papal rights in Italy through the Frankish alliance. The most important event of the week was the solemn re-coronation of Louis by the pope with a crown which one writer assures us was the same which had once belonged to Constantine. The ancient church of St. Mary, where the ceremony was performed, was that in which the baptism of Clovis was said to have taken place. The full meaning of the act was that the successor of Clovis was also become the successor of Constantine. Our interest in it is with the question whether the imperial rights were in any way changed by it. Louis had signed himself emperor ever since his father's death, and would unquestionably have continued to do so if he had never received the papal sanction; but at the same time he opened the way for an arrangement in favor of the papal right by permitting himself to be re-crowned — an argument which the papal party did not fail promptly to make use of.

Church Reforms. 817.

Of far greater immediate importance were the doings of a great assembly at Aachen in the following year, of which we have very considerable records. The purpose of the emperor was pretty thoroughly to overhaul the condition of the empire, and especially to provide for a complete and energetic reform of the monastic system as the great moral and social safeguard of his people. The discipline of the monasteries, their duties toward the government, the regulation of their vast properties were described in minute detail. A similar strictness dictated a series of laws in regard to the secular clergy.

Division of 817.

At this Diet of 817 was published also the second great division of the empire, which we have to study and to compare with that planned by Charlemagne in 806. It will be remembered that Charlemagne had made no mention whatever of the imperial power as such. Louis declares as the main motive of his act that "it did not seem good to us nor to those whose opinion is most sound, that, through affection or favor toward our sons, the unity of the empire which has been preserved to us by God should be broken by the act of men, lest thereby a scandal to Holy Church might arise, and we might incur the wrath of Him in whose hand is the government of all kingdoms." Three days of fasting, almsgiving and prayer, caused the divine will to declare that the empire should pass to Lothair, and with the approval of "the people" he was crowned as colleague and future successor to his father.

Relations of the Sons of Louis.

Supremacy of the Eldest.

The other two sons were to hold the lands assigned them with the name and power of "kings," but "*sub seniore fratre*." Pippin was to have Aquitaine, Gascony, the Mark of Toulouse, and a few estates in Burgundy. Ludwig received Bavaria with some neighboring territory. Lothair's part is not mentioned, but it was undoubtedly to be all the rest. So far as land was concerned, there was no pretense of equality among the brothers. By far the greater part of the Act of Division is taken up with careful regulations of the relation of the two young kings to the emperor. They were to manage local affairs in their own way, but in anything beyond the ordinary course of business they were to seek instruction from their elder brother. Once each year they were to visit his court and bring their gifts, which he, as the more powerful, was to repay in more liberal sort. They were to undertake no wars against foreign enemies without his permission, nor to entertain ambassadors coming on any of the great questions of public policy. They must ask his approval of their marriage, and they were not to choose wives from foreign nations lest peace be thereby endangered. In the case of the death of one of the younger brothers after the father, his kingdom was not to be divided among his sons, but must be kept intact in the hands of one son whom the people might choose; while if there should be no legitimate son, his kingdom was to revert to the eldest surviving brother, who was exhorted to deal gently with any illegitimate children.

Effects of this Plan.

By this document Louis seemed to place himself squarely on the side of unity. The eldest son, Lothair, was clearly drawn to the same side, while Pippin and Ludwig might well feel themselves aggrieved both by the smallness of their shares and by their subjection to the elder brother. They were from the outset tempted to make common cause against him and their father, and to try to carry through a division which should recognize as that of 806 had done, the equal rights of all legitimate sons. This conflict between the idea of unity with subordinate parts on the one hand, and that of equal division on the other, gives the clue to the political entanglements of the next generation. The maintenance of the imperial idea was plainly to the advantage of the papacy, and it is not improbable that high clerical interests may have dictated the plan of 817. At all events we find the papal party pretty steadily on the side of Lothair, who represented the idea of unity. On the other hand the growing interests of the new nationalities were acting in favor of further division. The kingdoms of Pippin and Ludwig, though comparatively small in extent of territory, were each occupied by an ancient and tolerably uniform population, conscious of its political unity and ready, if its ruler could gain its attachment, to make his cause its own. Evidently the material for a very pretty fight was at hand. The warfare of these two ideas was kept up throughout the reign of Louis, until, just after his death, the bloody issue was fought out on the great field of Fontenay.

Elements for and against Unity.

The only mention of Italy in the partition of 817 occurs

Revolt of Bernhard. 817.

in a clause providing that that country should belong to Lothair "*per omnia*," just as it had belonged to Louis and to Charlemagne. This implied that Bernhard, if his rights were respected at all, was to be only a subject king, as the others were. The unfortunate youth, misled by evil counselors, rebelled against his uncle, precisely with what intent is doubtful; but he was believed to be aiming at the very highest power and preparations were made accordingly. A considerable army of malcontents gathered under the banner of revolt, but there seems to have been no enthusiastic national support. The action of Bernhard cannot be thought of as a movement for Italian independence. Louis, with some reluctance, led a large army toward the south, and by promptly occupying the Alpine passes so demoralized the rebels that they surrendered without a blow. Bernhard and many of his advisers were in the emperor's hands. In the following spring their case was brought before the Diet at Aachen, and a unanimous verdict of death was passed against them. This comparatively merciful judgment was mitigated by the emperor to that of blinding, and, if we may believe several records of the time, this punishment was inflicted with great promptness and with such barbarity that the young king died two days afterward from its effects. Later legend has adorned these meagre records with a shimmer of romance, in which Bernhard appears as the victim of a cruel despot, urged on to his horrid deeds by the jealousy of his wife, lest her eldest-born might be robbed of a portion of his due.

His Capture, Trial, and Death. 818.

Attempts at Division. 817–840.

The development of new states within the great Frankish empire can be most instructively followed by tracing the various divisions and attempts at division during the reign of Louis. No less than six times between the years 817 and 840 were the boundaries of the several kingdoms of the sons of Louis changed, either on paper or in reality. Our proof of an actual change of sovereignty in a given territory is the existence of public documents signed by one of the kings, and issued within that territory at a date later than that of the supposed change. Where such documents are wanting, we are often in doubt as to the precise limits of sovereignty at a given time.

Birth of Charles the Bald. 823.

The first immediate cause of a new deal among the sons was the second marriage of the emperor, and the birth, in 823, of a fourth son, the famous Charles the Bald, the centre of, and the pretext for, most of the political disturbances of the next twenty years. The second wife, Judith, belonged to the house of Welf (Guelf) in Bavaria, the same from which Queen Victoria traces her descent. She was a beautiful and clever woman, and, according to the chroniclers, was the mainspring of the conspiracies and combinations which the interests of her son called into action. The eldest brother, the junior emperor Lothair, came from Italy to act as godfather to the boy, and promised on oath to defend him in the possession of whatever grant of lands the father might see fit to make him. So, six years later, taking Lothair at his word, the emperor carved out of the eldest son's territory a goodly slice, the rich and populous duchy of Alemannia or Swabia, with Alsatia, Churrhaetia and part of Burgundy, and conferred it upon his latest-born. Meanwhile Lothair had had time to change his mind, and this loss of territory, joined with other causes of discontent, so embittered him against his father that the latter saw no way but to confine him temporarily to Italy, and exclude him from a share in the imperial functions. With this exclusion vanishes, for the time, the essential element of the partition of 817, the supremacy of one brother over the others.

829.

Division of 831 (?).

A formal expression of this change appears in an undated document belonging, perhaps, in the year 831. By this new plan Lothair was to be left in Italy, while the rest of the empire was to be so divided that Pippin should have Gaul almost entire, Ludwig almost all Germany, and Charles a piece between, including most of Burgundy and a large wedge of territory cutting in between the lands of his brothers along the middle Rhine and the Moselle. This scheme seems to have been nearly a copy of that planned by Charlemagne in 806, and was certainly never carried out. It is of value as showing the increasing demands of the party of Charles the Bald, and as a link in the chain of developments by which the map of modern Europe was gradually traced.

Third Division of 833.

The ill-treatment of Lothair, with its apparent rejection of the principle of imperial unity, brought about a swift reaction. He found himself supported by the vast clerical interests of the empire and by the papacy, and put himself in open rebellion against his father. At first opposed by his brothers, he was soon joined by them, and after the shameful victory of the "Field of Lies," was able to force the imprisoned emperor into concessions which even the standards of the day found degrading. This of course brought with it the temporary ruin of the hopes of Judith and her son, and the third scheme of division in the year 833 was based upon the entire exclusion of Charles the Bald. Thus Ludwig got almost all the German-speaking races of the empire, Pippin all the western territories, and Lothair, probably, in addition to Italy, the middle-piece, especially the ancient Frankish land of Austrasia with Aachen as its capital. The map begins now to assume a more familiar shape.

Again, however, success brought about a reaction. Within

A New Grant for Charles.

838.

a year the emperor, released from his imprisonment, had gathered strength enough to make Lothair's position untenable and force him to retire again to Italy. By 837 it had become possible to bring forward the claims of Charles once more. At a Diet at Aachen, with the approval of Pippin and of Ludwig, he was given an entirely new territory in the very heart of the best Frankish lands along the Maas and Seine, including Paris and the surrounding country. Only a year later, Ludwig, "the German," as we may now begin to call him, having meanwhile repented of his generosity toward Charles and begun negotiations with Lothair, was promptly cited to appear at a Diet at Nymwegen and there deprived of pretty much the whole of his lands outside of Bavaria. Of these a considerable part, lying along the lower Seine, fell to Charles.

Last Two Divisions.

In the course of this same year Pippin died, and, without regard to his two sons, the great territory of Aquitaine was added to Charles' possessions, and at the Diet of Worms in 839 he was confirmed in the sovereignty of the whole western half of the empire. The eastern half, exclusive of Bavaria, was given to Lothair. Ludwig, limited to Bavaria, at once declared himself in rebellion, and it was while on the way to oppose him that the aged emperor, overtaken by disease, closed his troubled life.

Death of Louis I.

The death of Louis the Pious was the signal for a general outburst of the warring interests, which, even in his lifetime, he had been able only to hold in a certain balance. In his last moments he had sent the imperial crown and other insignia of the empire to Lothair, as if returning once more to the idea of division under the overlordship of one brother, which had marked the partition of 817. Lothair set out at once from Italy to enforce his claims. Ludwig the German, prompt and active as usual, gathered what forces he could from the whole eastern part of the empire and hastened toward the central region of Franconia, where Lothair was expected. Charles, busied with a revolt of his nephew Pippin in Aquitaine, was able only to negotiate with both brothers. The promise of the future, the prestige of the imperial name, the support of the clergy, all seemed on the side of Lothair, but a fatal irresolution led him to avoid a decisive encounter.

Battle of Fontenay. 841.

Ludwig and Charles, drawn ever closer by their common hostility to the imperial idea, profited by this delay and found themselves by the middle of the year 841, just twelve months after the death of Louis, in position to meet the claims of Lothair with decisive energy. The emperor had joined to himself the rebellious nephew Pippin of Aquitaine, and, relying upon this support, faced his brothers at the little town of Fontenay, near Auxerre, in lower Burgundy. If we may trust the historian Nithard, who was with the army of Charles, the allied brothers were anxious to avoid a battle, and sent repeated embassies to Lothair, begging him to abide by the decisions of Louis and leave them in peaceful possession of their lands, as their father had intended. But Lothair treated them with scorn, dallying with them only until Pippin arrived from Aquitaine, and then refusing even their proposition that they three should divide the kingdom, Lothair to have his choice of a portion. Upon this refusal the brothers answered, if he could find no better reply, they would, upon the following day, though sadly against their will, call upon the judgment of God. So on the morrow they met in battle, and Lothair was utterly beaten all along the line.

The battle of Fontenay, described very briefly by Nithard, was felt by the men of that day to be decisive. It was not merely a struggle of brother with brother, of Frank against Frank; it was an episode in that greater conflict of Roman with Teuton, which had been going on for nearly four hundred years. The forces of Ludwig, the main reliance of the younger brothers, were almost purely German; the army of Lothair was made up of almost pure Romanic elements. Half unconsciously to themselves, these warring elements were bringing out into action the Spirit of Nationality.

Its Historical Importance.

A most interesting proof of this semi-consciousness of national life is given by the events of the following year. The two younger brothers, drawn into a closer alliance by their success at arms, came together at Strassburg and there made an agreement of mutual guaranty against the encroachments of Lothair. Here, for the first time, we have a distinct recognition of difference of race and language as a basis of political action among the Franks. The kings first addressed the "people," that is, the army, each in his own language, as follows: —

The Strassburg Oaths. 842.

How often, since the death of our father, Lothair has pursued my brother and myself and tried to destroy us, is known to you all. So, then, when neither brotherly love, nor Christian feeling, nor any reason whatever could bring about a peace between us upon fair conditions, we were at last compelled to bring the matter before God, determined to abide by whatever issue He might decree. And we, as you know, came off victorious; but our brother was beaten, and with his followers got away, each as best he could. Then we, moved by brotherly love and having compassion on our Christian people, were not willing to pursue and destroy them; but, still, as before, we begged that justice might be done to each. He, however, after all this, not content with the judgment of God, has not ceased to pursue me and my brother with hostile purpose, and to harass our peoples with fire, plunder, and murder. Wherefore we have been compelled to hold this meeting, and, since we feared that you might doubt whether our faith was fixed and our alliance secure, we have determined to make our oaths thereto in your presence. And we do this, not from any unfair greed, but in order that, if God, with your help, shall grant us peace, we may the better provide for the common welfare. But if, which God forbid, I shall dare to violate the oath which I shall swear to my brother, then I absolve each one of you from your allegiance and from the oath which you have sworn to me.

Then Ludwig, being the elder, took oath in the *lingua romana*, as follows : —

Pro Deo amur et pro christian poblo et nostro commun salvament, dist di in avant, in quant Deus savir et podir me dunat, si salvaraeio cist meon fradre Karlo et in adiudha et in cadhuna cosa, si cum om per dreit son fradra salvar dist, in o quid il mi altresi fazet; et ab Ludher nul plaid numquam prindrai, qui meon vol cist meon fradre Karle in damno sit.

After this, Charles repeated the same oath in the *lingua teudisca* : —

In Godes minna ind in thes christianes folches ind unser bedhero gealtnissi, fon thesemo dage frammordes, so fram so mir Got gewizci indi madh furgibit, so haldih tesan minan bruodher, soso man mit rehtu sinan bruodher scal, in thiu, thaz er mig sosoma duo ; indi mit Ludheren in nohheiniu thing ne gegango, the minan willon imo ce scadhen werhen.

The translation of the oath is as follows : —

For the love of God, and for the sake as well of our peoples as of ourselves, I promise that from this day forth, as God shall grant me wisdom and strength, I will treat this my brother as one's brother ought to be treated, provided that he shall do the same by me. And with Lothair I will not willingly enter into any dealings which may injure this my brother.

Then the followers of the kings took oath, *each in his own language*, that if their own king should violate his agreement, they would refuse to aid him against the brother who should have kept his word. These oaths, valuable to us as a proof of just how things stood between the rival kings in the year 842, have an especial value as the earliest specimens of the old-romance and the old-germanic languages. We see here the former just emerging from the ancient Latin and reminding us already of the later French, Spanish and Italian. We see the latter, without any admixture of the Latin, already so like the modern German, English and Dutch that one can read it without much difficulty.

Importance of these Oaths.

Strangely enough, the Strassburg oaths were kept, — long enough at least to prevent Lothair, who had not given up the contest after the battle of Fontenay, from gaining ground again, and to convince him that it would be better to divide than to lose all. Negotiations began once more, and the outcome of these was the Treaty of Verdun, one of the great landmarks in the growth of the European territories.

Their Effect.

The principle of division at Verdun is not essentially different from that at previous partitions, and the resemblance to the plan of 817 is especially clear. Again we get no suggestion of any motive more distinct than the desire of each participant to get as much as he could, with, however, an undercurrent of national feeling limiting action. The starting-point was that already Italy, Aquitaine, and Bavaria had been for many years the centres of permanent governments, and were at the moment in the hands, respectively, of Lothair, Charles and Ludwig. Lothair, probably because he was emperor, seemed the proper person to hold the ancient centre of the Frankish territory, with Aachen as its cap-

Treaty of Verdun. 843.

ital, and he had all along had a large personal following in Burgundy and Alsace. So it came about that he was given a strip of land including Italy, the whole Rhone valley up to just beyond Lyons, the valleys of the Moselle and the Maas and the mouths of the Maas and the Rhine, including Friesland in the far north.

Lothair's Portion

It needs but a glance at the map to show us how few of the elements of permanence this territory offered. Its enormous length made it very difficult to defend; its inhabitants, of various stems, from Romans to Frisians, had neither common traditions nor a common language to hold them together, nor was there any common tie whatever to bind them to the person of their ruler. That Lothair, as is quite possible, should have chosen this unwieldy strip of land for himself, shows how far the governments of the ninth century were from relying upon those principles of allegiance which make the whole strength of a modern state.

without the Elements of Permanence.

Ludwig the German added to his principal territory of Bavaria all the countries lying northward from the southern slope of the Alps, and eastward from the Rhine, excepting Friesland and a narrow strip on the eastern Rhine bank from the Frisian border up as far as Andernach. On the other hand, he received on the western bank the great dioceses of Mainz, Worms and Speyer, perhaps, as a chronicler quaintly says, "*propter vini copiam.*"

Ludwig the German.

The western territories remained with Charles the Bald. They included Aquitaine, not as yet conquered from his rebellious nephew Pippin, whose rights were passed over without a word, Gascony, Septimania or Gothia, the Spanish Mark, Burgundy westward from the Saône (the later Duchy of Burgundy), all Neustria, Brittany and Flanders.

Charles the Bald.

Relations of the Brothers.

The partition of 843 involved, so far as we know, nothing new in the relations of the three brothers to each other. The theory of the empire was preserved, but the meaning of it disappeared. There is no mention of any actual superiority of the emperor over his brothers, and there is nothing to show that the imperial name was anything but an empty title, a memory of something great which men could not quite let die, but which for a hundred years to come was to be powerless for good or evil. The real forces of those hundred years are to be sought for elsewhere.

Dangers of Lothair's Kingdom.

With the treaty of Verdun we get the outlines of a political division of Europe which was to last, in its main features, for a thousand years. The elements of permanence were found, as one might have predicted, in the eastern and the western portions; the germs of future difficulties were contained in that long middle strip lying between the great national territories, which from that day to this has never found itself permanently associated with either, nor yet capable of developing a national life of its own. The problem of Alsace-Lorraine to-day, the problem upon which the peace of Europe now seems to depend, is only the latest phase of a conflict which the sons of Louis the Pious, all unconsciously to themselves, were working out.

Lotharii Regnum.

From this year, 843, we may for the first time properly speak of a "France" and a "Germany," though more strictly correct political terms would still be the "East-Frankish" and the "West-Frankish" kingdoms. For the middle kingdom there was no further designation than "*Lotharii regnum*," a term which, contracted into *Lotharingia* and limited to a fragment of the northern portion of the strip, remains there to this day. To get a clear idea of the future of this middle kingdom, we must follow its fortunes a little farther. The emperor Lothair died in 855, and left his kingdom to three sons, thus continuing the fatal principle of equal division which had already brought such untold misery upon the Frankish state. To his eldest son Louis, who had already been recognized by the papacy as king of Italy and as emperor, he gave Italy. To the second, Lothair, he gave the northern countries, Friesland, the lowlands of the Maas and Rhine, the Moselle valley and Alsace; to the third son, Charles, the rest, *i.e.*, the valleys of the Rhone and Saône, which we may now describe as Provence and upper Burgundy.

The Empire confined to Italy.

The chief interest of this division of 855 is in its effect upon the idea of the Empire. We have seen the imperial title, joined to that of the sole Frankish king, adding dignity and prestige to his position, and, supported by his actual power, a thing well worth the having. We have seen it again, shared and therefore diminished by Louis the Pious, but still, even in its decline, forming a rallying point for all those political forces which were trying to uphold the unity of the whole great Frankish state. At the treaty of Verdun the imperial idea seems to have had no influence whatever, except, perhaps, to determine Lothair's choice of a share; — and now, in the hands of a mere Italian ruler, it has sunk to absolute insignificance. Louis II, son of Lothair, is the first in a series of shadow-emperors covering over a hundred years of incessant conflicts and political confusion, but with hardly more than a mere show of authority.

Partition of Meersen. 870.

Within the middle kingdom the process of breaking-up went on apace. Eight years after Lothair, died his youngest son, Charles of Provence. The two elder sons, Lothair II and Louis II, at once divided his territory, and, for a wonder, were not disturbed in this act by either uncle. Seven years later Lothair II died without legitimate offspring, and this time the uncles were prompt and decided. Without regard to the "claims" of Louis II, the great kings of the East and the West divided the kingdom of Lothair between themselves. This was the famous Partition of Meersen, the last important act of the kind among the grandsons of Charlemagne. By it the middle kingdom was annihilated; the lion's share fell to Ludwig the German, and thus, precisely one thousand years before the great war of 1870, was started that claim of Germany upon the Rhine and Moselle lands which has been to this day the most fruitful source of difficulties with her mighty neighbor on the west. It is worth noticing that the partition of Meersen was made on the basis of assigning to each kingdom first certain archbishoprics, then certain bishoprics, then certain monasteries, and finally certain counties. It shows to what extent the idea of divided sovereignty, in other words, the feudal idea, had already taken the place of the ancient race idea as a basis of political life. The government of a king was no longer over a given race, occupying a given territory; it was over a group of lesser sovereigns, lay and clerical, whose wavering allegiance had to be purchased by ever new concessions. The line between the east and west Frankish kingdoms corresponded fairly well with the border-lines of the new languages as we saw them in the Strassburg oaths, but it would probably be fanciful to suppose that this consideration had much to do with the settlement.

Further Dynastic and Territorial Development.

If we were concerned only with the fortunes of kings and dynasties, the period from the treaty of Meersen to the revival of the empire by Otto I, would be one of the least attractive, as it is one the most confusing in European history. Our purpose in dealing with it will be to make clear the changes in territorial formation, and to gather into brief compass the indications of future institutions as they develop in this distracted interval. As in fact territorial divisions were chiefly determined by dynastic interests, it will be necessary to trace briefly the decline of the Carolingian house in all three divisions of the empire. Ludwig the German lived six, and Charles the Bald seven years after the Partition of Meersen, both therefore surviving their nephew, the emperor Louis II, who died in Italy without sons in 875. The imperial title was won by Charles the Bald, through the favor of the pope, and the conflict with Ludwig the German, which would almost certainly have taken place, was averted by the death of the latter in the following year. Again a wretched division of the German lands among three sons, who, strangely enough, agreed to act together in maintaining one of their number in Italy as emperor, and in defending their common frontier toward the west.

875.

The brother selected, Karlmann, set out for Italy and actually seemed likely to win some success, especially as his rival, Charles the Bald, frightened out of Italy, died on his way home. The pope, John VIII, however, showed great jealousy of the German influence in Italy, hastened up into France and crowned Louis the Stammerer, son of Charles, as king. If he had intended to make him emperor also, such intention was defeated by the death of this Louis a few months after, leaving two helpless sons to divide his kingdom again. The family of Charlemagne was dropping off at the rate of about one a year, wrecked in body as in character.

Death of Charles the Bald. 877.

The death of Louis the Stammerer interests us only as opening the way for the first break in the line of the Carolingian inheritance, and for the establishment of the first independent sovereignty within the limits of the empire of Charlemagne. The valleys of the Rhone and Saône had never been very firmly

Beginning of New Kingdoms.

in hand under the Carolingian kings, and now their time had come. The principal noble in the land, Count Boso of Vienne, aided by the pope and the local clergy, succeeded in gaining the support of the Provençal nobility, and was crowned King of Burgundy[1] at Lyons. His territory included the rich bishoprics of Lyons, Tarantaise, Aix, Arles and Besançon. His power rested not upon any principle of inheritance whatever, though his wife was the daughter of the emperor Louis II, and was said to have made life a burden to him until he promised to make her at least a queen. The papal sanction to this usurpation was given by the recognition of Arles as papal vicariate in the new kingdom.

879.

Meanwhile the five Carolingians, three in the east and two in the west, were going the way of all their house. For a moment the family seemed to enjoy a lucid interval. Four out of five came to an agreement to unite in opposition to any further schemes like that of Boso, and they went so far as to put down an uprising of this sort in Lorraine, and to besiege Boso with some success in Vienne. At this moment the most active member of the combination, the East-Frank, Karl the Fat, succeeded in getting himself crowned emperor in Italy, and at once all common action ceased. The West-Franks found their hands more than full with the assaults of the Northmen. Of the East-Franks the eldest, Karlmann, had died the previous year, and his brother, Ludwig the Younger, followed him early in 882. Within a few months the one really heroic figure in this enfeebled generation, the West-Frank, Louis III, victor over the Northmen at Saucourt, and the idol of his

Momentary Union of Carolingians.

880-882.

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[1] So says the chronicler Regino, but Boso's documents do not show this or any other territorial title. He may more properly be called King in Provence.

followers, was mortally wounded by an accident while in the pursuit of an unlawful passion. His only brother, Carloman, survived him but two years, long enough to show that nothing was to be hoped for from him. He died from an accident while hunting.

Thus by a series of mishaps the stage of politics was cleared of its leading actors. There was but one legitimate descendant of Charlemagne to whom the distracted empire could look with any prospect of help for the future. Karl the Fat, sole ruler of the East, crowned emperor by the pope in 881, was now (885) called upon by the nobles of the West to be their king as well, — a worthless personage, totally unfitted to meet the great demands of his time. His immense empire, the same which Charlemagne had so successfully controlled, was to him a source of weakness rather than of strength. Its chief need was a ruler who should know how to gather its scattered forces into one great effort against the invading Northmen. Instead of this it had got a weak and cowardly invalid, incapable of leadership in any sense. Nor was there any hope that descendants of his might bring security to the Frankish state.

Karl the Fat Sole Ruler of the Franks.

His Incapacity.

The final blow to the allegiance of his subjects was given by his shameful treaty with the Northmen in 886, whereby the heroic defense of Paris was thrown away and a free passage was opened to the invading swarms into the rich lands of upper Burgundy. No wonder that as soon as his nephew, Arnulf of Carinthia, bastard son of his brother Karlmann, raised the standard of revolt, the emperor was deserted by all those elements of his people who were looking for a vigorous leadership. Arnulf, a man in the prime of life, already known as a capable soldier, and supported by the nobility of Carinthia

His Deposition.

and Bavaria, marched in the autumn of 887 into the very centre of the empire, and was received everywhere with the greatest enthusiasm. The emperor, coward to the end, deserted by his followers, begged only for a quiet place to die in and gave up. Arnulf, welcomed by all the eastern stems, was declared King of the Franks. Undoubtedly it was in the plan of Arnulf and his party that he should succeed his deposed uncle as king of all the Franks, but the time for such a kingship had passed forever. The principle of local independence, aided by the working of the feudal system of land-holding, had once for all got the better of the principle of political unity. A multitude of new centres of power had been developed, one of which, Burgundy, we have already seen becoming the nucleus of an independent state. The fall of Karl the Fat was, as it were, a signal for all such centres of power to assert themselves. "While Arnulf was wasting his time," say the Annals of Fulda, "there grew up many little kings in Europe."

Arnulf King of the Franks.

We have to notice these little kingdoms only in so far as they illustrate the territorial development of the European states, and also the prevailing ideas about the basis of political power. Down to the time of Arnulf we have seen the succession determined by inheritance, the sons following the father and dividing his power as they did his lands, like so much private property. The election of Arnulf was a return to the ancient Germanic principle of choosing a leader who seemed likely to be the best man. But if this principle of election was good for the whole, why not for the parts? The example was followed. It will be borne in mind that for the present there was no emperor in the West.

The "Little Kingdoms."

In Italy two princely families had long been leaders of the nobility, the Markgrafs of Friuli, and the Dukes of

Spoleto, both of Frankish descent. Berengar, head of the family of Friuli, was first in the field and, supported by the nobility and clergy of Lombardy, declared himself King of Italy. He was crowned at Pavia, the ancient seat of that Lombard kingdom, to which Charlemagne had put an end a hundred years before. Guido of Spoleto, called by a party of the West-Frankish nobility into Austrasia, had been declared king of the West-Franks, but was not able to maintain himself and returned to Italy, determined to be a king somewhere. He surprised Berengar at Verona and compelled him to a truce. Berengar was recognized as subject-king of Italy by Arnulf, but only a few weeks later was badly beaten by Guido in an all-day battle on the river Trebbia, and Guido was crowned King of Italy at Pavia. So Italy had two kings at once, neither of whom had power enough to control the restless nobility within his limits. Guido was able, however, to bring such pressure to bear upon the papacy that he was crowned emperor at Rome two years after his election as king (891).

I. The Kingdom of Italy. (*a*) Berengar.

(*b*) Guido.

In West-Frankland the same sort of thing was going on. Odo, Count of Paris, had made himself a hero in the North by splendid service in freeing Paris from the Norman siege (886), and when Karl the Fat was out of the way there was nothing to prevent him from setting himself up as a king. He found ready support and was able to get the better of the Italian Guido, who had, as we have seen, been called in by another faction. He maintained himself long in the North, but in Aquitaine his hold was slight. There ruled the duke Rainulf, and under his protection was a child, third son of Louis the Stammerer, passed over for the present, but destined, as Charles the Simple, to become a rallying point for new political combinations.

II. The Kingdom of France.

Between Italy and West-Frankland lay Provence, where the successful usurper Boso had died a few months before the deposition of Karl the Fat. His young son Louis had not been crowned by the nobles, but had been adopted by the emperor and recognized by him as lawful heir to the kingdom of Provence.

III. The Kingdom of Provence.

King Boso had aimed at a union under his rule of all the Rhone and Saône valley, but only the southern part had actually been in his control. Now that his hand was gone, the northern portion, east of the Saône, with the Lake of Geneva nearly in the centre, including the Jura mountains and commanding the St. Bernard pass into Italy, saw its opportunity and declared its independence. At the head of its nobility was a Guelf, — Rudolf, Count and Abbot of St. Maurice, — upon whom the title "King of Burgundy" was conferred, and who seemed at first to have a fair chance of uniting with Upper Burgundy a great part of Lorraine.

IV. The Kingdom of Burgundy.

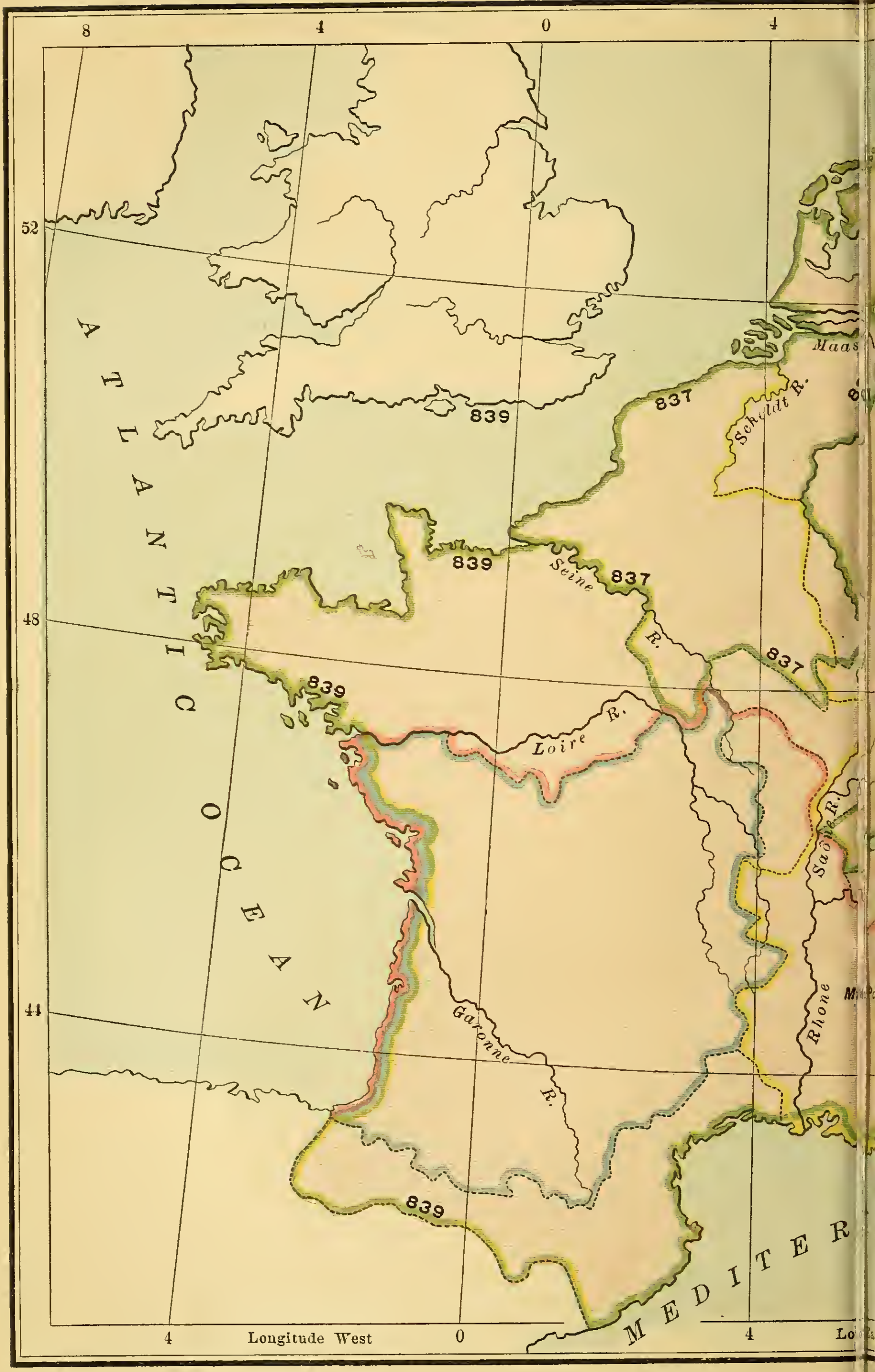
Thus, within a few months after the fall of Karl the Fat, we see the empire of Charlemagne broken up into six independent kingdoms, with the prospect of indefinite extension of such divisions. The basis of power in each of these new governments was the same — a free election by the leading clergymen and laymen within the land itself. Without distinction of origin, whether Romanic or Germanic, the principle of inheritance of power was everywhere repudiated. The "legitimate" Karl the Fat had been deposed for incapacity. The "legitimate" infant, Charles the Simple, had been passed over. Not the bastard Carolingian blood of Arnulf, but his well-known character for bravery and his energetic pushing of his own cause, had secured his election.

Election versus "Legitimacy."

Sense of Frankish Unity.

Everywhere independent kingdoms, and yet everywhere still a lingering sense that each was only a part of the one great empire of Charlemagne. Berengar in Italy, Louis in Provence, Rudolf in Burgundy, Odo in Neustria, each and all sought and received the recognition of Arnulf as the final sanction of their claims, and this before Arnulf had formally received the imperial title at the hands of a pope. Indeed, it is worth noticing, that the coronation of Guido as emperor had no effect whatever upon Arnulf's relation to the "little kings." The thing they needed was not a barren title, but a central power, — strong, but not too strong, — to which they might appeal in case of need, but which should ordinarily leave them to manage their own affairs. This conception of the empire was practically that of Arnulf, and it was by holding to it through temptations of many kinds that he and later German kings were able to maintain an empire worth our serious study. For the moment the imperial crown, tossed about among petty claimants, disposed of through the fear or favor of a corrupt or imbecile papacy, may well be left out of our sight.

This conflict between election and legitimacy is to continue during our whole period, and it furnishes one of the most useful threads for the study of mediaeval politics. Whenever, anywhere, we see a royal power gaining somewhat in influence, there we are sure to find it using the method of inheritance as a step toward further gains. Whenever we see the local elements in a state getting the better of the crown, we find, at each critical moment, the right of choice put forward as the best means of enforcing their demands. Especially is this true of the imperial power. Again and again a powerful family seemed on the verge of capturing the empire for itself, but it never got beyond the point of securing a single succession by getting a son acknowledged during a father's life-time. Whenever such a son was not forthcoming, the right of election asserted itself in the empire with unmistakable force, and it is always at such crises that the history of the elective principle may most clearly be studied. The preservation of the electoral right and its final concentration in the "electoral college" was one of the most important services of the mediaeval empire.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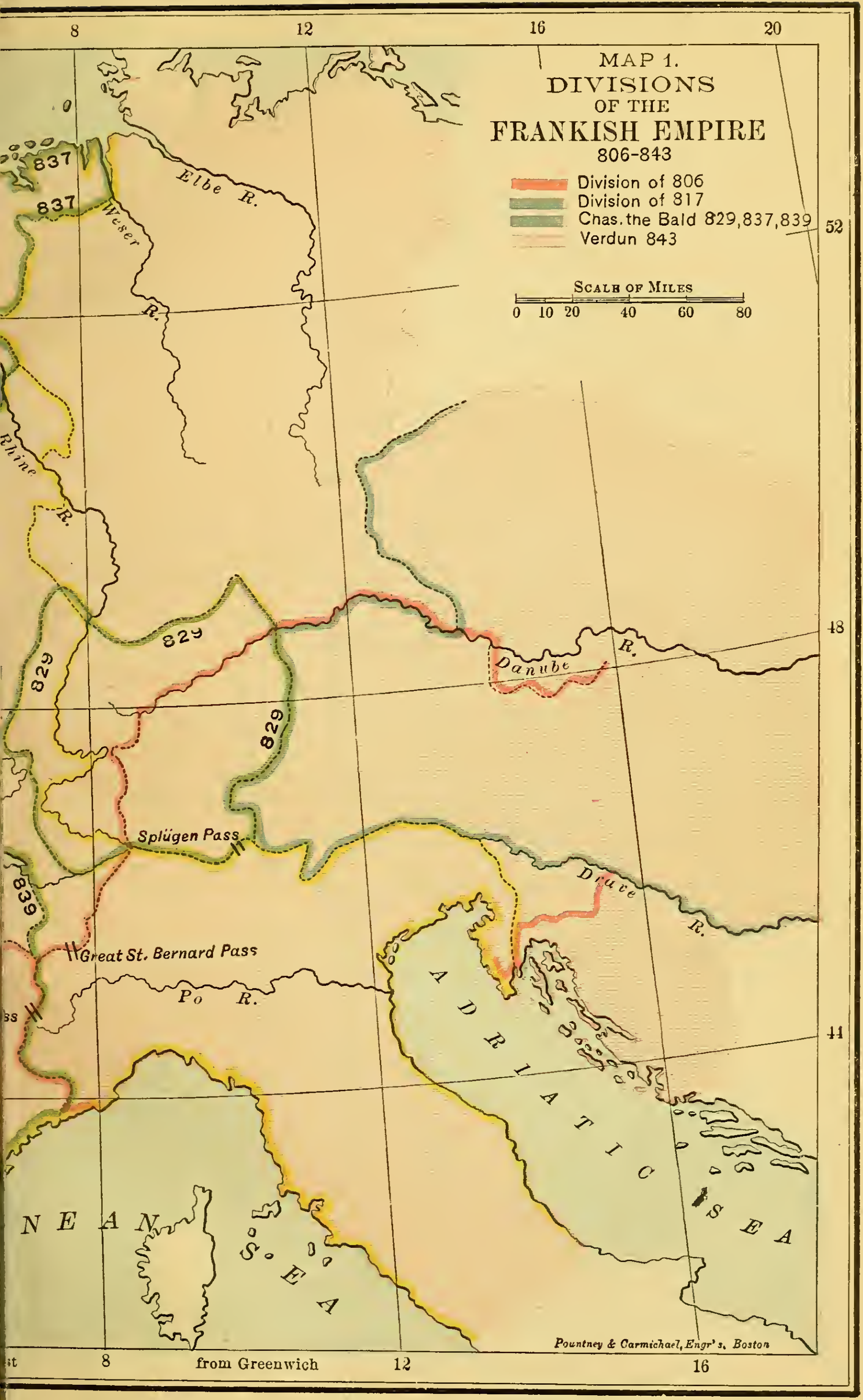

MAP 1.

DIVISIONS OF THE FRANKISH EMPIRE 806-843

CHAPTER II.

THE ROMAN PAPACY DURING THE CAROLINGIAN PERIOD. 814–888.

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The Papacy a Development.

DURING the Carolingian period the Roman Primacy was growing into the dominant institution it was to be for the next five hundred years. A very brief review of its history to the death of Charlemagne will prepare us to consider this remarkable development.[1] The first point to be kept in mind is that here *was* a development and not something existing, as Roman Catholic writers would have us believe, from the beginning of Christianity. Doubtless from a very early period, say from about the year 200, the bishops of Rome began to feel their importance as heads of the principal church in the western world and to assert a kind of superiority over all other churches; but this superiority was acknowledged nowhere in the East, and was admitted in the West only as a leadership of honor, not of authority.

Its Real Value.

Doubtless again, the record of the Roman church as the defender of sound doctrine and of a wise and prudent discipline, was a most exceptionally honorable one. Especially when, after the division of the empire, the seat of government was removed from Rome, the bishop had endless opportunities of showing himself to be the only source of order and justice in a distracted community. But the Roman church was never satisfied with this sort of a claim upon the allegiance of mankind. All these services might conceivably be forgotten or not be needed in the future; it was far safer to base the Roman claim upon some grand theory, independent of all actual service.

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[1] See Introduction to the Study of the Middle Ages, Ch. ix.

The "Petrine Theory."

This theory was found in the tradition of the founding of the church at Rome by the apostle Peter. If, as the Roman church maintained, Peter was the chief of the apostles, selected by the Master as one to have authority over all the rest; if he received from Jesus a peculiarly pure and precious tradition; if he founded the church of Rome and handed this tradition on to his successors, and if, finally, the possession of this tradition gave to that church the same kind of authority over other churches, which Peter had over the other apostles, — then there was a basis for this authority which could never be affected by any temporary conditions. It has always been, therefore, the great aim of the papacy to enforce and develop this Petrine argument. By the time of the great bishop Leo I, it was accepted by pretty nearly every one in the western world. The Germanic invasions had broken up all those centres of local government which might have proved dangerous rivals to Rome. The Germanic nations themselves, Arian Christians as most of them were, had no new centres to form an effective opposition, and as, one after another, they gave up their Arianism, they turned naturally to Rome to receive the pure word of the orthodox tradition.

440–461.

By the year 600 we find the pope Gregory I in close relations with all parts of Europe and even persuading the pitiless Lombards, the bitterest political enemies of Rome, to change their faith and accept the true doctrine at his hands. In the pontificate of Gregory we find the fairest ideal of the papacy. It appears as a beneficent, coördinating force within the church, guiding and controlling the lives of the clergy, regulating on large and intelligent principles nearly all the functions of the ecclesiastical body. Such a papacy as this, claiming no infallibility for itself, making no superhuman effort to crush all activity outside its own sphere, acknowledging the equality of other apostolic foundations and joining with them in one supreme effort to promote the kingdom of Christ upon this earth, by means of a pure and devoted ministry, this kind of a papacy is something very different from that which finally fixed itself upon the church of the West during the period we are now to study.

The Papacy of Gregory I.

From Gregory to Charlemagne the outward history of the papacy consists in its struggle to maintain itself against the pressure of the Lombard. In this unequal conflict its only proper defender was the Roman empire, with its capital at Constantinople. Italy, lost to the eastern empire from 476 to 555, had been recovered by Justinian, and its affairs were administered by a governor called the "exarch," whose residence was at Ravenna. But government from Constantinople meant ruinous taxation without defense, and the inhabitants of Italy were hardly better off under Byzantine, than they would have been under Lombard oppression. The papacy, in despair, neglected by Constantinople and Ravenna, threatened with destruction by a complete circle of Lombard principalities, turned for aid to a new and untried source.

Danger from the Lombards.

The Franks, alone among the Germanic tribes of the continent, had been converted directly to orthodox, Roman Christianity. Doubtless this was an accident, resulting from no deep-seated conviction as to doctrinal truth or error; but, once committed to that cause, the Franks had remained true to it, and had used it as their battle-cry on many a hard-fought field against those Arian heretics, who happened to hold vast and fertile lands, which might be so very useful to themselves.

The Franks Roman Catholic.

It would be hard to find in the life of the Frankish people, as told in the history of their bishop, Gregory of Tours, a contemporary of the Roman Gregory, evidence that Christianity had done much to soften the manners or to touch the hearts of the nation at large. It is clear that this is a worse than barbaric society; it is a society of barbarians suffering the first inevitable evils of contact with a civilization, the meaning of which they could not understand, and which offered them peculiar temptations. The history of the Merovingian Franks is one of the darkest chapters in the records of Europe. Its interest for us here is that through it all we see the gradual gain of the only agency by which the forces of civilization could be brought to triumph over the forces of barbarism, namely, the Christian Church.

Their "Christianity."

So it was that when the powerful rulers of the house of Charlemagne, his father Pippin and his grandfather Charles Martel, came to rule the Franks, they found the Christian organization well established and growing firmer every day; and so it was that when the Roman papacy, in deadly peril from the hated Lombard, deserted by its proper defenders, the emperor and the exarch, cast about for a champion, it turned naturally towards this new power rising steadily and rapidly in the West and begged for its support.

Called to defend Rome.

Down to the time of Charles Martel the relations of the Frankish government with the papacy had been friendly but not intimate. The Merovingian kings, in dealing with the church within their borders, had taken the same attitude towards it as that of the eastern emperors. They were, in all matters of administration, heads of the church as well as of the state. In conference with the leading men of the nation, they regulated the affairs of church and state together, but it must be confessed that such regulation was intermittent and without definite system. The chief controlling agency in the Merovingian church was the local synod, a gathering of the clergy within a narrow district, but here again it would be in vain to look for system or regularity. The most that can be said of the church was that it did maintain itself on a level a little above that of the people about it, and that it carried over into a better time the germs of great moral forces which were then to make themselves felt.

The Frankish Church.

The beginnings of a really effective organization of the Frankish church are connected with the name of Boniface, just after the middle of the eighth century and just at the time when the Roman papacy was beginning to look toward Frankland for its most sure reliance. The significant thing in Boniface's work of reorganizing and reinvigorating the Frankish church is that he carried it on as the avowed agent of Rome. His episcopate of Mainz was of papal institution and his principles of organization were those of Rome as opposed to any others.

Organized by Boniface.

The Frankish church had thus, by the time of Pippin, taken on a form which brought it naturally into closer and closer relations with the papacy, and just at the moment when the Lombard pressure in Italy was getting intolerable, a political motive came in to make a strict alliance desirable. Pippin, the major-domus, wished to become king; the pope, in return for the help he needed in Italy, gave his sanction to this

Alliance of Carolingians with Papacy.

usurpation. Pippin drove back the Lombards; the pope crowned him king of the Franks. Charlemagne, the greater son of Pippin, developed this relation into one of still closer intimacy. His whole career was one long service in the cause of organized Christianity; his great conquests were made as much for the advancement of the church as for the spread of the Frankish power. His diets, no longer the ineffectual affairs of former reigns, were really great assemblies of the leading men in the state, and their decisions upon matters of church, as well as of state policy, are preserved to this day, as a really monumental instance of wise and vigorous legislation.

Charlemagne and the Papacy.

Towards the papacy itself the attitude of Charlemagne was uniformly loyal and reverential. His documents are filled with expressions of devotion to the chair of St. Peter; but this loyalty, this reverence, and this devotion had nothing of servility about them. Charlemagne was the servant of Christ and his Church, but he was not the slave of the pope at Rome. It is clear that he felt himself the head of the Frankish church, in all matters involving the principle of authority, and after he had been crowned emperor he transferred this same idea of headship to the whole empire. Whatever his language, his acts indicate that he thought of himself, in his relation to Rome, as the successor of Constantine. Rome was a bishopric within his dominions, just as Milan or Ravenna or Pavia was. Some temporal sovereign the bishop of Rome must have as well as any other bishop. Such a sovereign he had always had, in the person of the Roman emperor. Now that Charlemagne had become an emperor, who might, without too great a stretch of words call himself "Roman," it seemed quite in the order of things that he should claim and exercise the same functions toward the papacy which the great emperors of the early Christian time had, or might have, exercised. These functions were, on the one hand protection, on the other hand control, more or less extensive as the case might be. The empire in the hands of the Byzantine rulers had almost entirely neglected its function of protection, and had exercised that of control only in a fitful way and sadly to the disadvantage of the papacy. The only thing the bishops of Rome could look for from Constantinople was that, if regarded at all, they might come to be drawn, as the patriarch of Constantinople was, into the furious quarrels of political and dogmatic questions which were constantly agitating the imperial court.

Which should control?

Now Charlemagne had assumed the function of protection; how should he interpret the corresponding right to control? His own understanding of the case is pretty clear. He believed himself entitled to a measure of control; precisely what that measure should be, time would have to show. There is one important respect, often overlooked, in which the relation of the new empire toward the papacy differed from that of the old. The papacy had come into being within the authority of the ancient imperial institution, supported by its power and acknowledging its control. The new empire came into being on the basis of a society already acknowledging the papacy as the chief authority in religious matters, and it had even received from this papacy the religious sanction which seemed to give it its chief claim to existence. The act of coronation of Charlemagne contained within it the germs of political and religious problems which were to form the principal interest of mediaeval history. We can hardly get these problems too clearly before us at the outset of our study.

The extreme papal view was that, as the new empire owed its existence to the coronation by the pope, the pope had therefore the right to dictate to the emperor as to his

The Opposing Views.

conduct and policy, and furthermore, as the empire represented the whole idea of temporal sovereignty, so all temporal sovereigns, by whatever title they might be known, were subject to the same dictation. The spiritual was higher than the temporal; therefore the spiritual might control the temporal in all respects. Opposed to this was the strict imperial view, that, as the emperor was the successor of those ancient rulers to whom the popes had always been subject, therefore he had the same right to control the pope which those ancient emperors had had. Evidently here is an absolute conflict. Either of these theories thoroughly carried out would have annihilated one or the other of the two great institutions. The battle was to be a long and a bitter one. The main issue was often obscured for long years together, only to flash out into new clearness when some turn in the political wheel brought it to the fore.

Threefold Function of the Papacy.

1. Bishopric of Rome.

2. Head of Roman Territory.

It will perhaps help us to keep some degree of clearness in our study of these very complicated relations, if we remember the several different functions which were included in the idea of the papacy. It was, first, the bishopric of Rome. As such it stood towards the Roman community in the same relation which any other bishopric held towards its own community. Being bishop of Rome, the pope was properly elected by the clergy and people of Rome, and by no one else. If he had been merely bishop of Rome there would never have been any question as to the method of his election or as to the control of his actions. But he had become, secondly, the chief of the Roman territory. Even as early as the time of Gregory the Great, we can see very clearly the growth of a great landed power in the hands of the pope. These lands had come partly from gift, partly in other ways, and were at that time widely scattered over Italy and even in the neighboring regions of Sicily, Illyria and Gaul. Their administration was in the hands of papal agents, and their revenues went, of course, to support the household of the pope in Rome. By the time of Charlemagne these church lands had become much increased and concentrated into a reasonably compact territory with the city of Rome as its centre. We may already begin to speak properly of the "States of the Church." The right of the pope to these lands had been expressly confirmed by Charlemagne, as indeed it had been already by Pippin. The pope was there sovereign, just as any temporal ruler was sovereign within his own territory. The papacy itself dated its claim to landed sovereignty in Italy from an alleged grant by Constantine to the bishop Silvester, but this grant, believed in by everybody down to the fifteenth century, was then shown to be a tolerably clumsy forgery. The real claim of the papacy to hold lands in sovereignty is to be found in these grants of the earliest Carolingians and in their recognition by later rulers of Italy. The papal state grew because there was no power whose immediate interest it was to check its growth. The grants of Charlemagne and Pippin made the most important addition to this state by including all those lands on the Adriatic coast which had been in the hands of the exarch of Ravenna. This addition gave the papacy two masses of territory on opposite sides of the peninsula, united only by scattered bits of land between, and it was the object of papal ambition for many generations to develop the intervening possessions into a solid and compact holding.

The Roman "Ducatus."

Then, in the third place, the papacy was the head of the whole Christian Church in the West. Of this fact there was not, and for centuries had not been, any question. The only differences of opinion were as to the meaning of this headship and what it implied. In its highest conception it represented the pope as the successor of the "Prince of the Apostles," receiving from him, through the long line of his successors, the purest form of the Christian faith, and ready to instruct the rest of the world in the true meaning of that faith. It represented the pope of the moment as the natural result of a principle of divine selection by which the source of doctrine should always be preserved in its original purity. Viewed in this way, the papacy seemed to offer to the Christian world the kind of tribunal which any institution needs to give decisions in cases of controversy.

3. Head of the Church Universal.

This aspect of the papal function had been developed during the period of moral and intellectual confusion which followed upon the decline of Roman civilization and the incoming of the Germanic peoples. The world had recognized the claims of the papacy because it could not get on without it. For three hundred years before Charlemagne there had been no other source to which the west of Europe could turn for advice in religious matters. Acquiescence had developed into recognition, and repeated assertion had come to have the force of law. There were enough weak places in this relation. Where was the guarantee that the clergy and people of Rome would always have the wisdom to select the man who should be most capable of fulfilling the highest of earthly functions for the whole population of Europe? To say that Divine Providence would never desert his church was begging the question. Still, if the papacy had been willing to confine itself to this function of referee in moral and doctrinal matters, there can be no doubt whatever that there was room in Europe for just this particular service.

Development of Universal Headship.

Conflict of the Three Functions.

The trouble was that the three aspects of the papal institution would not keep themselves separate. A bishop of Rome who was at the same time sovereign of a state and the head of the Christian world must constantly find himself in crises in which it was impossible to say which of these characters should prevail over the other two. If a pope represented ever so well the idea of a city bishopric, he might be the last person in the world to manage successfully the affairs of a complicated worldly state. If he were a capable man of affairs he might well be wanting in all those qualities which would have commended him to the Christian world as its infallible guide. Or, again, if he were a man deeply impressed with the universal character of the papacy and eager to enforce this he might well be indifferent to the special interests of the Roman state, and thus bring down upon himself the hostility of the ruling elements there. Such conflicts and contradictions as these were continually happening and they serve better than anything else to explain the most difficult chapters in the history of the mediaeval papacy.

Right of Papal Election.

We shall have abundant instances of these complications, but it may be well to notice once more in advance one subject which was to bring the several characters of the papacy into conflict oftener, perhaps, than any other. In proportion as the scope of the papal action grew wider and wider, the question, who should elect the pope, became of interest to an ever widening group of peoples. As simple bishop of Rome, there could be no question on this point. The only proper electors were the clergy and people of the Roman diocese. But if he was to be also territorial lord over a widely-extended state, the local powers in this state were interested in the highest degree in having for their sovereign a man who should be favorable to their interests as well as those of the church proper. And still more, if this same person was to be the head of the church everywhere, it was important that the church everywhere should have something to say about his choice. We shall soon see that it was not long after the three functions of the papacy had become well defined before the conflict on this point broke out and it continued for centuries to be the root of most of the evils of the institution. And this matter of choice was only one question out of many upon which similar conflicts might and did arise.

Early Carolingians control Papacy.

So long as Charlemagne lived we see no indication of impatience on the part of the papacy at the very vigorous attitude assumed by the great emperor in the church affairs as well of the empire in general as of the Frankish kingdom in particular. His hold upon all the elements of his very complicated state was too strong and his service had been too great to admit of any conflict. If the government of the empire had passed into equally strong hands there seems to be no reason why the relation of sovereignty thus established might not have been maintained. The relations of the papacy to Louis the Pious offer a good many puzzles to the historian. It is usually assumed that the interest of the papacy lay in maintaining the unity of the Frankish state; but Louis, who, if anybody, represented the idea of unity, was never, after the very earliest years of his reign, in any active alliance with the papal party. It would seem as if the extravagant piety and devotion of the king ought especially to have commended him to the affection of the head of the church; yet we find the pope, in the hardest crises of his troubled career, taking active part against him and supporting his enemies, who had never given any indication of more than the usual formal devotion to church interests.

The theory of the control of the empire over the papacy was continued during the reign of Louis and was at several different times carried out into practice. For instance it is very clear that the popes of this time regarded themselves as in some sense responsible to the emperor for the correctness of their election. It so happened that the pope, Leo III, who had crowned Charlemagne, survived him by two years, so that the question of a succession did not come up in the lifetime of the great emperor, and we have no indication from him how he would have met such an emergency. Upon the death of Leo, the Romans, without waiting to ask the opinion of the emperor, elected a successor, Stephen IV. He at once called upon the people to renew their oath of fidelity to the emperor and set out himself for the North. At Rheims, the venerable metropolitan see of the Franks, he was received with all honors by Louis and confirmed in all the rights and titles of the former popes. In return for this he crowned and anointed the emperor, who, however, it must be remembered, had already, without papal coronation or unction, been performing unquestioned the imperial functions. Thus far it is pretty clear that the upper hand was the emperor's, not the pope's.

This Control shown at Elections.

Stephen IV. 816–817.

Pope Stephen lived but three months after his return to Rome, and again an election must take place. Again, even more hastily than before, the Romans elected and consecrated their man, this time a monk, Paschal I. Again, as quickly as possible, the newly elected pope sent a message — "*epistola excusatoria*," "*epistola apologetica*" the Frankish annals call it — to announce the election and to assure the emperor that it had taken place after the proper "canonical" fashion, "not through his own ambition or desire, but by the choice of

Paschal I. 817–824.

the clergy and the approval of the people." Again the emperor shows no resentment that the election had taken place without his participation; he accepts the apology and sends the messenger loaded with gifts and bearing a renewed confirmation of the Roman privileges back to his master.[1]

Emperor Lothair in Rome.

That the empire, even in the person of the pious Louis, did not intend to give up its hold on Rome, is well shown by the events immediately following the division of 817. (See p. 18.) Lothair, the eldest son, was by that edict made his father's colleague in the empire and assumed at once the imperial name, though not until the year 825 do the imperial documents bear the signatures of both father and son. In 823 Lothair was sent as his father's representative to Rome. The pope Paschal heard of his approach and sent him a very urgent invitation to present himself before the papal throne to receive the coronation and unction, without which, in the papal theory, he could not yet properly call himself emperor. Lothair consented, and gave thus to the papacy the third opportunity to pose as the source of the highest earthly power.

On the other hand a second visit of Lothair in the following year gives us the opportunity to see the imperial authority asserting itself in a very vigorous manner. The administration of the government of Rome by Paschal had been, it would seem, rather too energetic. The papal justices had shown themselves far from worthy agents of the law, and numerous disturbances had threatened the peace of the city. Complaints against the papal government were loud, and the emperor Louis had already taken steps towards an investigation, when the pope Paschal suddenly died. The occasion of a new election was a favorable one for the assertion of the imperial rights. The new pope, Eugenius, elected, as his two predecessors had been, without consulting the emperor, sent at once to announce his election to Louis, who sent Lothair direct to Rome to regulate the affairs of the city.

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[1] Not content with the actual favor shown by Louis to the church of Rome, later ages invented a document said to have been issued by him at this time (817), in which he gives to the papacy pretty much the whole of Southern Italy and the islands of Corsica, Sardinia and Sicily; in which he further grants to the Roman people the right to elect the pope without any previous consultation with the emperor. This document, believed to be a forgery of the 11th century, was used after that time to support claims which really rested on quite other foundations.

Confusion in Roman Politics.

The result of this step is seen in the famous "Constitutio Lotharii" of 824. The purpose of this edict was to bring order into the confusion which had up to this time prevailed in the legal relations of the inhabitants. It declared in the first place that every inhabitant of the Roman territory should publicly declare by what law he desired to live. This provision, strange as it sounds to us moderns, accustomed to uniformity of law within a given territory, was only the formal expression of an idea of law familiar to all the Germanic peoples who were at that time settled on the lands of the great Roman Empire.[1] According to this principle a man was responsible for his actions only according to the kind of law under which he had been born, not according to that of the land within which he happened to be living. A man's law was a part of him, given to him by the fact of his birth as a member of a race, and, no matter under what government he might be living, it was the duty of that government to judge his acts according to his own law, not according to that of any

The Roman Constitution of Lothair. 824.

Germanic Idea of Law.

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[1] See Introduction to the Study of the Middle Ages, Chap. viii.

place. Indeed, from this Germanic point of view there was no such thing as the law of a place ; law was not territorial, but personal. The theory of the old Roman law was precisely the opposite of this. Throughout all the vast Roman empire there was but one great body of law, to which all the inhabitants were subject, not because of any personal right, but because they were citizens of the one state. The conquest of the Roman states by Germanic peoples had brought the new idea of personality of law into prominence. Wherever the Germanic arms had gone, there this idea had gone with them, and thus Spain, Gaul, the greater part of Italy, and of course Germany proper, were familiar with it.

Roman Law preserved by the Church.

Of all the territory of ancient Rome in the West, the city of Rome alone, together with all the lands which had been in the hands of the eastern empire down to their conquest by Charlemagne, had never been for any long time in the hands of a Germanic people. Here, therefore, had been the last stronghold of the ancient Roman law, though we cannot suppose that it was studied in the form of the codification of Justinian (between 530 and 540). Naturally, then, as the papacy had gone on developing a sovereignty over the Roman lands, it had done so on the basis of this old law, and had tried to enforce its principles in the administration of the city. That a movement for the reform of the papal administration should have begun with a distinct overturn of the very foundation principle of the Roman law, shows that there was a large element, even of the Roman population, which, being of foreign descent, felt itself aggrieved by being forced to accept a form of law hostile to their traditions and probably to their interests. The effect of this edict was not to change the law of Rome. On the contrary, the greater part of the inhabitants continued, doubtless, to live under the ancient law; the edict interests us as an attempt to assert the imperial rights even to the point of undermining the most ancient traditions of the holy city. We shall have occasion to return to this subject again at a similar crisis in Roman affairs about two hundred years later.

The Pope Chief Executive in Rome.

As to the sovereignty in the Roman territory, the edict of Lothair declares that the pope is to be regarded as the lawful executive power. The emperor is, however, to be the highest court of appeal and the supreme guardian of order and regularity in government. Pope and emperor together are to appoint *missi*, who are to bring to the emperor every year a careful report of the doings of the papal officers. All complaints of bad administration are to be brought to the pope first, but if he cannot set things right he is to call upon the emperor, who shall then send his own commissioners to take the matter in hand. The people of Rome are expressly enjoined to give the pope their loyal obedience and above all things to place no hindrance in the way of a proper election. Of the relation of the emperor to the papal election nothing was said; only one writer says that the Romans took a solemn oath that no pope should be consecrated until he had received the approval of the emperor through his *missus*. At all events we have an express statement — in a Frankish writer, to be sure, — that at the election of Gregory IV in 827 "he was not ordained until the ambassador of the emperor had come to Rome and examined into the election by the people, of what sort it was."

Papacy in Frankish Politics

It was during the time of this pope Gregory that the papacy became entangled in the mazes of the Frankish political troubles we have already described. It would be impossible to discover in the papal action here any real principle whatever; only this is clear, that from point to point we can see the claims of the papacy growing steadily and only waiting for a favorable combination of circumstances to become embodied in a definite shape. The part played by Gregory IV in the interminable quarrels of Louis the Pious and his sons is rather that of a tool than of a leading personality. He was made use of by the junior emperor Lothair, to give weight to his party, and that party represented, as far as it represented anything, the hope of a united empire. The apparent aim of Lothair was to make effectual, even before his father's death, that clause in the partition of 817 by which he was to be the head of the Frankish state; against this idea were arrayed, however, all the tendencies of the time, which were distinctly favoring every attempt to break up the great centres of government and replace them by many smaller ones. This much is reasonably clear; but if we follow the pope in his expedition to Frankland in 833 in the train of Lothair, and read the history of the wretched doings there between the old emperor, the young one, the pope and the two younger sons of Louis, we are compelled to say that principles and theories were pretty well forgotten in an unholy scramble for lands. Lothair had taken the pope with him, not, so far as we can see, on the motion of Gregory himself, but as a mediator and to prevent the shedding of blood. Near Colmar in Alsace the old emperor with a considerable following was prepared to repel the expected assault of his allied sons by force of arms. He refused to listen to the mediation of the pope, resting upon what he called the justice of his cause.

Represents no Principle.

More effectual than any mediation was the activity of the agents of Lothair, who succeeded in so working upon the followers of Louis, that during the night, while all were expecting a combat on the following day, so many deserted to the opposite camp that

The "Field of Lies," 833.

Louis saw the hopelessness of resistance. This wholesale desertion has gained for the place of the encampment the evil name of "the field of lies,"—a true term enough, but hardly distinctive in the midst of a history which is filled with lying agreements, made only to be broken. This was a splendid opportunity for the head of Christendom to gain eternal renown by taking a bold stand and compelling men through the force of his spiritual power to acknowledge him as the divinely appointed mediator among kings. But the time for such action was not yet come, nor was the personality of Gregory such as to promise success. He returned to Rome shamed and disheartened at the part he had been compelled to play. The clergy of Frankland had given no doubtful signs of disapproval of his conduct, and there had even been talk of deposing him.

Papacy still subject to the Empire,

The pontificate of Gregory IV lasted until 844, when the old emperor had already died and the treaty of Verdun had legalized the division of the Frankish kingdom. His successor, Sergius, was elected and ordained in great haste, again without consulting the emperor and this in spite of the fundamental law of Lothair noticed above. (See p. 55.) This could not be passed over. Lothair at once ordered his son Louis, who was acting as king of Italy under his father's orders, to march with a strong force to Rome and demand explanations. Pope Sergius, making a virtue of necessity, sent out to receive him and gave him a gorgeous escort into the city, but refused to admit him into St. Peter's until he had given his word that he came with no intention of doing anything to the disadvantage of the papacy. The important point is, however, that Louis with his accompanying officers entered into a regular investigation of the election of Sergius and pronounced himself satisfied with the result. The imperial authority had once more asserted itself in an unmistakable fashion, but when Louis tried to take one step further and induce the pope and the Romans to take an oath of fidelity to him personally as king of Italy, this proved to be too much. The pope declared that he owed no oaths to any one but the sacred emperor himself, and Louis had to be content with a coronation as king of Italy or of "the Lombards." This may seem a very fine distinction, but it was a distinct and effectual protest against the idea that Rome was to form a part of the state of Italy—a ninth-century form of the same protest which is at this moment being made in every public document of his imprisoned Holiness against the occupation of Rome by the Italian government.

But not to the Kingdom of Italy.

The administration of Sergius is noteworthy for the terrible assault of the Arab pirates in 846 which revealed to the world the danger of the holy city, but could rouse only a feeble effort in its defense. The only effectual resistance for a long time came from a league of the rising commercial cities, Amalfi, Gaeta and Naples. This league defeated the pirates in a naval battle off Ostia in 849, and thus gave Rome a breathing-space to complete the new fortifications, begun the year before, which were to include within the walls the quarter of St. Peter's. The name of this new quarter, the "Leonine City," keeps in remembrance the name of the successor of Sergius, a vigorous and capable man. He also was elected in great haste and without imperial sanction, and we have no definite information that this neglect of a recent obligation was followed up in any way by the emperor. Most certainly it did not add to the attachment of the Romans for the empire that their new protectors had not saved their two most precious sanctuaries, the churches of St. Peter and St. Paul, with their untold wealth of sacred objects, from falling a prey to the Arabs.

Arab Assault on Rome, 846.

Formation of Parties in Rome.

The party of the Roman nobles was glad of this or any other excuse for doing without the emperor, while at the same time we see clearly forming another, which was to be known as the imperial, party. Between these two the papacy, as far as its own special interests were concerned, may be thought of as a third party, but it was too often reduced to being the plaything of the others. With the formation of these three parties we have a clue to the inner politics of the Roman state for many hundred years. The next election brings out these differences into a very clear light. As soon as Leo IV was dead the "Roman party" elected Benedict III and sent off messengers to announce the election, "according to ancient custom," as the Roman historian puts it, to the emperors Louis II and Lothair.

Rival Popes.

Meanwhile, however, the imperial party had set up a candidate of its own and had been clever enough to win over the men whom the Romans had sent with the report of Benedict's election. The new man, Anastasius, was forcibly brought into the city by the imperial officers and got possession of St. Peter's. Here we meet for the first time a situation which was to become common enough in the future; one pope sitting in the Lateran, another in St. Peter's, waiting for the chances of Roman ward-politics to decide which of them was truly selected by God to represent Him on earth. Nothing but an unexpectedly unanimous refusal of the "people" of Rome to accept the imperial candidate finally prevailed upon the *missi* of the emperor to drop Anastasius and agree to the consecration of Benedict. Thus the first attempt of the new empire to force a pope upon the Roman people had failed, but the victory of the Roman party was far from being a guarantee that the interests of the papacy in its larger aspects were safest in their hands.

This first imperial candidate had been a notoriously corrupt and unfit person, but upon the death of Benedict (858), the emperor Louis II, being then in the neighborhood of Rome, put forward a man, whose name stands in the list of the few really great popes, and whose papacy of nine years gives us an opportunity to study the relations of the papal power in almost all the phases which it was to assume during the period of its greatest triumph. Nicholas I conceived of the papacy as a divine instrument, sent by God into the world to watch over all the interests of right and truth. According to this view there was no subject upon which it might not give a decision of authority, no power which it had not the right to call before its judgment-seat. We may study the working of this idea under the administration of Nicholas in three aspects: (1) in the relation of the papacy to the Greek church; (2) in its dealings with local church powers, and (3) in its character of guardian of moral right.

Nicholas I, 858-867.

The relation of the papacy to the Greek church and, which was quite the same thing, to the Greek empire, had long been a matter of great uncertainty. Let us remind ourselves once more that in the Byzantine theory the bishops of Rome were still the subjects of the Roman, *i.e.*, the Greek emperors. To be sure there had been a sort of formal acquiescence in Charlemagne's assumption of the imperial name, but nothing but the weakness of the eastern empire had made such acquiescence possible. The idea that there could be two Roman empires seemed to any vigorous Byzantine simply monstrous, and it was to be several centuries yet before such a state of things could peaceably be admitted. Now the theory of a single empire carried with it the idea of Rome as a bishopric under Constantinople, and though the emperors of the East had failed, as we have seen, in

I. Nicholas and Constantinople.

every duty toward Rome, still this did not make them any less ready to assert the rights which the performance of that duty would have given them, whenever they got the chance. Meanwhile, however, the papacy had been growing, not in pursuance of any idle theory, but as a result of perfectly definite services to the cause of western Christianity. It only remained for an exceptionally vigorous pope to declare the tables completely turned and to maintain that Rome, far from being the subject of Constantinople, had a right, as head of all Christendom, to speak with authority on the affairs of the East as well as of the West.

Ignatius vs. Photius.

The occasion which called forth the action of Nicholas I was a conflict for the bishopric of Constantinople. The bishop, or patriarch, Ignatius, an aged man of extreme piety and the loftiest virtue, had been turned out of his office in one of those scandalous revolutions which were continually happening at Constantinople. His offense was that he had refused to sanction the openly immoral life of the all-powerful guardian of the young emperor. In his place had been appointed a layman, Photius, a distinguished scholar and, doubtless a man of great capacity. He had been rushed through the lower orders of the clergy, in direct violation of the church rule, which required that a man should really have filled the lower orders before becoming a bishop. Ignatius, driven from his place, called upon the bishop of Rome to defend him. Nothing could have been more opportune.

Assumptions of Nicholas.

Nicholas entered into the affair with all the eagerness of a combatant sure of his ground and with a great cause at stake. He assumed from the beginning that his action was taken *by right*, in virtue of the supreme authority of the Roman see over all churches. His language in the various documents which passed from him to the emperor is that of a sovereign dealing with subjects. The singular thing is that he should have been allowed to go so far. His legates were admitted to conference with the heads of the eastern church, and were treated sometimes with respect, sometimes with abuse, but always with regard for the source from which they came. So considerable was the dread of Roman influence in Constantinople, that when Nicholas despatched a more than usually fiery document, summing up the whole case and designed to be a final settlement, the frontiers of the whole empire were carefully guarded that the messengers might not reach the capital. The alleged ground of the interference of Rome in this affair was the defense of an injured man against abuse and injustice; but there were some other matters at stake of far greater consequence.

The Iconoclastic Controversy.

One of these was the so-called "iconoclastic controversy," which had been raging between East and West now for many years. This controversy turned upon the proper use of pictures and images in the churches. The earliest Christians had been very much opposed to any representation of Deity, or of any object of their devotion. All such visible objects seemed to them to smack of heathenism; but gradually such scruples had been overcome, and churches had been most splendidly adorned with pictures, especially in mosaic-work, and with statues. Then again in the eighth century a reaction had set in against this practice and had, as was inevitable in the East, taken on the form of a fanatic zeal to destroy all traces of what was now described as an idolatrous practice. The new religious spirit entered of course into the politics of the court, and the government had done its best, now to encourage and now to repress, the outbreaks of this fanatic enthusiasm. The conflict had been carried over into Italy, but only here and there, under oriental influence, could so extravagant ideas take hold. The Roman church had, in the main, taken its usual fair and cool-headed view of this question. It had declared that the images were a help to true devotion and might, therefore, be allowed. This was one of the great agencies which were always at work to draw the two churches ever farther apart.

The Bulgarian Question.

Then there was a very important territorial difficulty. If we should go back as far as the days of Leo I in the fifth century, we should find the western church eagerly maintaining its right of control over the territory known as the diocese of East Illyria, of which Thessalonica was the chief city. The attempt made at that time to keep the bishop of that city in subjection to Rome as papal legate, had failed, as it was clear that any attempt to maintain direct Roman authority anywhere east of the Adriatic must ultimately fail; but the papacy had never lost this ambition out of sight. A great part of the East-Illyrian diocese had been overrun in the seventh century by the barbaric race of the Bulgarians, a branch of the great Turanian family, and the whole valley of the lower Danube had since then been in the possession of these most unpleasant neighbors. Early in the ninth century, the king of the Bulgarians had been converted to Christianity by missionaries from Constantinople and had with some difficulty succeeded in forcing his people to follow him. But then agents of the Roman church had been sent into the land and had persuaded the king that his Christian teaching was all wrong because it had come from Constantinople, not from Rome, and had so worked upon his fears that he now applied to Pope Nicholas for instruction in the true faith.

We have the elaborate answer of the pope to a long list of questions sent him from Bulgaria, and a very capable document it is. Nicholas rests his right to instruct the Bulgarians, not merely on the ground of an application to him, but upon the ancient supremacy of Rome over the East-Illyrian diocese, of which the land of Bulgaria formed a part. He instructs the king that all his teaching from Constantinople has been nothing less than heretical, and that no salvation remains for him and his people but in a direct association with the see of Peter, the one unstained source of the true Christian faith. This claim was, of course, met by equally strong replies from the East. Bulgaria was a part of the eastern empire and, therefore, could not be joined in religious matters to the church of the West. In doctrine, it was the western church that had introduced such soul-destroying heresies as the celibacy of the parish clergy, the evils of which were already showing themselves, fasting on Saturdays, using milk and eggs during the first week of Lent, and above all things the awful theory that the Holy Ghost proceeded "from the Father *and* the Son."

Claims and Counter-Claims.

The claim upon Bulgaria came in very opportunely in the midst of the quarrel about the patriarchate of Constantinople. The advantage gained by Nicholas from the appeal made to him in the latter case seemed to give him some chance of success in the former, and he did his utmost, but it was a fight against the nature of things. It was, as the eastern church had rightly declared, absurd that a country within the control of the eastern empire should have its church connections with Rome; the claims of the papacy to sovereignty in East-Illyria were as antiquated as its theory that Constantinople, being only the seat of government, must give way to its own pretensions as the seat of Peter. The more these questions of detail were discussed, the clearer it became that the great underlying distinctions, political, racial and religious, were too powerful to be overcome, and the momentary success of Nicholas in getting a hearing for himself in the case of

Bulgaria lost to Rome.

Ignatius only served to make the antagonism more bitter, and the hope of a union more delusive. The Ignatian question prolonged itself beyond the life of Nicholas. It is a wretched history of deceit and violence, made respectable only by the largeness of the issues involved. Its outcome was the definite separation of the two churches, and with that the opening up of a way for the more effectual spread of the papal theory in the West.

2. The Divorce of King Lothair.

We come to the second of the great occasions in which Nicholas I carried the action of the papacy to a point of boldness and success it had never yet reached. King Lothair II of Lorraine, great-grandson of Charlemagne, had married from motives of state policy a lady named Teutberga, belonging to a powerful family in Burgundy. Previously to this, indeed from early youth he had, in accordance with the too frequent practice of his day, lived in unlawful relations with another lady, also of good family, named Waldrada. His marriage proving distasteful to him, he finally determined to divorce his wife and regularly to marry Waldrada. He based his action upon hideous charges of immorality against his wife, and was supported in it by the principal clergy of his own kingdom, especially by the great bishops of Cologne and Trèves. Teutberga was brought before a court composed of laymen, and, on being accused, demanded to prove her innocence by the ordeal of boiling water. Her champion came out of the trial unhurt; there was, therefore, according to the ideas of the time, nothing for the court to do but to declare her innocent. The king did not, however, restore her to her rights, but kept her in confinement for two years following.

At the end of that time the case came up again upon what passed for a request from Teutberga that she might be released from her marriage vows and permitted to take the veil as a nun. This time she was brought before a meeting of a few of the leading clergymen of Lorraine, the intimate counsellors of the king, and made a full confession of the atrocious crimes that had been charged to her. Letters giving an account of the case were sent, one to the clergy, another to the lay nobles of Lorraine, and measures were taken to secure the approval of the king's uncles, Louis the German and Charles the Bald, by prudent yielding in the matter of certain territorial claims. A general assembly was called for the next month at Aachen, and the principal clergy from the neighboring kingdoms were invited to take part. Many accepted, the meeting was a large one, the affair was receiving the greatest possible publicity. Again the unhappy queen was dragged before a public tribunal, again she confessed her guilt, and again she was "permitted" to enter the "religious" life as penance for her crime. So far the king had controlled the action of all the powers within his own kingdom. Only one powerful voice, the one which would have been most valuable to him, was raised against him. The great archbishop Hincmar of Rheims, not a subject of Lothair, but at that time the most eminent man among the Frankish clergy, refused to respond to the invitation to take part in the assembly at Aachen, and within a few months published an elaborate document, ponderous with canonical learning, in which he reviewed the whole case from the beginning, and showed in the clearest light the legal atrocities of the trial.

Teutberga condemned by a Lorraine Diet.

Opposition of Hincmar.

For two years longer Lothair waited before taking the final step in his plan. Teutberga was disposed of, but he had as yet got no consent to a regular marriage with Waldrada. Such a marriage, involving the question of the right of her children to the succession in Lorraine, was a subject of too great consequence to the whole Frankish state to be

Lorraine Clergy sanctions Marriage with Waldrada.

entered upon without a substantial agreement of all the kings, and to this end Lothair directed his policy during the two years of waiting. In April, 862, he again summoned the chief clergymen of Lorraine to Aachen and there, with many protestations of penitence for past wrong-doing, asked their approval for his marriage. The pliant priests found plenty of good reasons for complying, and the marriage was celebrated in the same year.

Papal Legates won by Bribery.

This was the opportunity for the papacy. Already, before the news of the marriage reached Rome, Nicholas had determined to take notice of the complaints which Teutberga had twice addressed to him, and had despatched legates to the north with a commission to meet the clergy of the Franks at Metz. Besides those of Lorraine, there were to be two representatives of the clergy from each of the other Frankish states. Once more Lothair was equal to the emergency. By delaying the invitations he succeeded in keeping out all but the Lorraine clergy, who were devoted to his interest. He appeared with a strong following, as if courting inquiry; the absence of Teutberga was interpreted as a confession of guilt. Best of all for him, he was able to bribe the papal legates into compliance, and the result was that a local synod, acting in apparent harmony with Rome, once more supported the king in all his plans. The two principal clergymen of the country, the archbishops of Cologne and Trèves, were despatched to Rome to announce the result to the pope.

The Real Issue defined.

Thus the issue was distinctly marked. It was no longer simply a question of guilt or innocence; it was a struggle for life between the idea of a national clergy, directing the religious affairs of its country by its own authority, and the idea of a single controlling spiritual power to which an appeal might be made from any local action. The king of Lorraine appears as the representative of a cause which might well have engaged the enthusiasm of the greatest statesmen of this or any other time; but the defender of a great cause must enter into the conflict with clean hands, and, unhappily, the hands of Lothair were as far from being clean of base and selfish motives as could well be imagined. Here was the weak point in his armor, and Nicholas I was just the man to perceive it. He went into this fight as the defender, not so much of the rights of the Roman see, as of a wronged and innocent woman; and he rested his case principally upon the mission of the papacy to be the universal judge in all questions involving the foundations of moral right.

Nicholas annuls all Proceedings.

The ambassadors of Lothair were received at Rome with great coolness, were allowed to wait several weeks without a hearing, and were then brought before a Lateran synod and assailed with positive fury as the most outrageous criminals. They were accused of having aided and abetted in an unheard-of revolt against the rights of the holy see, and were declared excommunicated and deposed from their bishoprics. The archbishops, entirely deceived in their expectations by the crafty papal legates, who had been at Metz, at once hastened to the emperor Louis II, Lothair's brother, and demanded vengeance on the pope for his insult to the Frankish name. Louis was only too ready to take up the quarrel, marched straight upon Rome, entered the city, and blustered violently about the outrage; but, falling ill in a few days, was moved by this and other wonderful events to perceive the wrath of God against him, and let the cause of the archbishops drop. They returned to their places in Lorraine only to find the popular feeling entirely changed. Even Lothair, in whose cause they had braved the papal wrath, now showed the meanness of his nature by finding reasons why it was important for him to be on good terms with the pope; and their fellow bishops, whose cause was really the same as their own, were unable to face with calmness the danger of the papal excommunication.

Papal Legate in Gaul.

Thus, all suddenly, as it were, the papacy discovered the force of its own weapons. Up to this time the excommunication had not often been applied to enforce the papal discipline; now that it had proved itself effective, we are not surprised to see it growing with each generation more and more frequent. Nicholas, now thoroughly roused, sent a special legate, an Italian named Arsenius, to regulate the Frankish affairs. The errand of this legate was a complete triumph. He appeared, as a contemporary writer says, clothed with all the majesty of Rome, as if the holy father himself were in Gaul. His mission was not only to Lothair, but also to the rulers of the other Frankish states, whose alliance he secured before taking steps against the chief sinner. Lothair saw that a refusal to yield would certainly bring down upon him not only the spiritual terrors of the excommunication, — probably that was the least of his concerns, — but also the active hostility of his dreaded uncles, and he yielded. The legate sought out the banished queen in her retirement in France, and handed her back to her husband upon the solemn assurance of the latter that he would restore her to all her rights as queen. Waldrada was again driven from the court, and, after several months, in the absence of any sign of repentance, was formally excommunicated.

Apparently successful.

Lothair persists.

It seemed as if this affair were ended once for all; but it very soon became clear that Lothair had yielded only in form. He continued in relations with the excommunicated Waldrada, and, we know not by what means, succeeded in forcing Teutberga to petition the papacy to be released from the intolerable yoke of her marriage on the ground that it had never been a legal one. In the midst of these negotiations the great pope died, but his successor, Hadrian II, a man after the same mould, made a vigorous effort to maintain the same policy. Lothair now bent all his energies to the end that he might get to Rome and there secure from the pope himself the release of Waldrada from the excommunication, and, if possible, the dissolution of his marriage with Teutberga. Through the mediation of his sister-in-law, wife of the emperor Louis II, an interview was brought about at the famous monastery of Monte Casino. It was evidently the ardent wish of the pope to stand well with the emperor and he was inclined to go as far in the direction of mildness toward Lothair as his conscience would allow. Lothair, calling again to his aid the ancient custom of the ordeal, demanded of the pope that he should give him the holy sacrament of the Eucharist as proof of his innocence. The pope finally assured him that if he would solemnly swear that he had, since the excommunication of Waldrada, had no relations with her whatever, he would allow him this purification. Thereupon the king made a solemn declaration that he had, in this interval of two years, not so much as exchanged a word with the excommunicated woman and received the sacrament. Most of his attendants, called upon in the same way, made the same statement and confirmed it by the same proof, the most sacred known to the legal practice of that day.

867.

Interview with Pope Hadrian.

Thus it was publicly proclaimed that the penalty of excommunication, so often threatened by Nicholas, was not, for the present at least, to be turned against Lothair. The pope promised to defer action until the affair should be again investigated in the north and Lothair set out on his return journey. Hardly

Death of Lothair II, 870.

had he left Rome, however, when he and most of his companions found themselves attacked by the deadly Italian fever and numbers were falling daily before the king's eyes. He was able to drag himself as far as Piacenza and there died. Popular report, of course, connected the time and manner of his death with his evil life. A legend, adorned with the usual mass of details, soon arose and contributed its part in fixing the tradition of the sanctity of Rome and the danger of every violation of her will. Even so steady a head as Hincmar could not fail to see in this sudden death the vengeance of God for the lie with which the king had taken upon him the holiest of all sacraments. The cruel heat of an Italian August in the malarial region of the Campagna will be a sufficient explanation to the modern historian.

3. Nicholas and the Metropolitan Power.

A third instance of the policy of Nicholas I is shown in the case of the bishop Rothad of Soissons. Soissons was a suffragan bishopric of Rheims, the bishop a man well along in years, who had for a long time been in unfriendly relations with the metropolitan. Finally he came into open conflict upon the question of the right of a bishop to discipline a priest without consulting his superior. One of Rothad's priests had been caught in open crime and, without waiting for any forms, Rothad had deprived him of his office. For this he was called to account by Hincmar and at once appealed to Rome. His purpose was to go himself to the pope and present his case, but Hincmar got wind of this intention, arrested him and kept him for many months a prisoner. News of this affair came to Nicholas I at the same time with the report of the Lothair divorce case and he took action upon the two together. We have his letters written to Hincmar and to the West-Frankish king, Charles the Bald, in which he demands that Rothad should either be restored at once to his place or should be allowed to come to Rome, together with his accusers, and there be tried by the papal court.

Hincmar's Protest.

The king, needing very much the papal support in his political schemes, undertook to see that Rothad should be allowed to come to Rome and kept his word. Hincmar could do nothing but protest, warning the pope of the dangerous consequences of such interference with the affairs of the national churches. He reminds him that, while no one questions the right of the papacy to give judgment upon appeal from any court, or to take original action in the case of a metropolitan, there is no precedent for its right to act directly in the case of a subordinate bishop. Such action, he says, is beneath the dignity of the holy see and must tend to undermine the wholesome authority of the metropolitan in the national churches. But this was precisely the thing the pope wished above all else to do, and he was willing to take the risk of diminishing the papal authority by too frequent exercise.

Nicholas re-instates Rothad.

Still Nicholas did not hurry the matter. He allowed Rothad to wait six months in Rome before proceeding to decisive action; at the end of that time he declared him, in the absence of an accuser, innocent of the charges against him and threatened that if, within four weeks, no action were taken by the metropolitan, he would formally restore Rothad to his bishopric. Hincmar remained inactive, and the formal restoration took place. Rothad was sent, in charge of that same legate, Arsenius, who had in hand the settlement of the Lothair case, back into France and there with all solemnity reinducted into his office. The victory of Nicholas in this case also was complete. The power of the metropolitan, and through this the rights of the national church had received a blow from which

Complete Victory.

they were not to recover for at least five hundred years. The royal power had lent its aid in a victory which must sooner or later react upon itself. If the papal power had the right to act, of its own motion, in all affairs of religion —and what affair was there which might not be turned into a religious one?—then there was no room for any other power, in state or church. Compare this attitude of the papacy with that of the time of Charlemagne, and it becomes clear what enormous strides it had already made on the road to absolute dominion.

Legal Foundations of Papal Power.

The case of Rothad of Soissons is of interest to us chiefly because it was the occasion for bringing out before the eyes of Europe the legal foundations upon which the whole mighty structure of the mediaeval papacy was to be built up. Down to a late period the papacy had based its action chiefly upon broad general claims, which no one had especial interest in disputing; it did thus and so by virtue of the Petrine succession, or because Rome was the mother church of the West, or for some other reason which carried weight at the moment. But as time went on it became necessary to put these claims into a more definite legal form. The earliest attempt of this sort is the collection known by the name of its author, Dionysius Exiguus, an eastern monk, living most of his life, probably, at Rome. This Dionysian collection contained fifty so-called "apostolic canons," short precepts, drawn from the Bible and from the writings of the early church fathers, and also the decrees of several councils of the eastern and African churches, between the years 314 and 451, that is, from the time when Christianity began to be the religion of the empire in the time of Constantine, down to the great council of Chalcedon. To this collection there was added later a second part containing letters (decretals) of the

Dionysius Exiguus, about 500.

Roman bishops from 375 to 498. This second part was then further increased from time to time by the addition of more decretals, running farther and farther back, until at length this sort of document, too, had been carried back to the establishment of Christianity by Constantine as the state religion. It was this collection, undoubtedly, which had been sent by pope Hadrian I to Charlemagne and publicly proclaimed by him at the great assembly of Aachen in 802 as the basis of church law for the Frankish state. Another very similar collection was made in Spain, probably near the beginning of the seventh century, and was known by the name of the bishop Isidore of Seville.

The "Hispana."

In both these great collections the decretals of the Roman bishops had been introduced as sources of church law, equally with decrees of councils and the "apostolic canons" and even the teachings of the Bible. These decretals had been carried back to the time when Christianity could first be said to have any law of its own, that is to the time when it was recognized by the state as having a legal existence. But it will be seen at once that here was an admission which the infallible church of Rome could not afford to make. The Roman church claimed, and claims to this day, that it is the foundation of Christ himself and is, therefore, independent of any state recognition whatever. To date the authority of its head, therefore, from any time later than the time of Christ himself must seem to the thorough-going Romanist a serious reflection upon all those bishops of Rome — or, if you please, "popes" — who filled up the interval from Peter to Constantine. What a glorious triumph for the church if only there could be found a similar series of decrees by these early popes, thus carrying the authority of the holy see back to its very origin! That such decrees

Defects of Early Collections.

unfortunately did not exist was a slight obstacle. If they were necessary to a system which honestly believed itself to be the one divinely appointed means of leading men into their true relations with God, then to fabricate them and pass them off as genuine must be a work pleasing in God's sight.

The "Forged Decretals."

Such was, presented in its most charitable light, the origin of the "Forged Decretals," the most stupendous of the many forgeries by which the Roman church has built up its immense power over the lives of men. It is during the controversy between pope Nicholas I and the metropolitan Hincmar, about the case of bishop Rothad of Soissons, that we first find reference to a collection of papal decrees, going back beyond the time of Constantine and reaching even to the successor of Peter himself. Precisely when, where or how this collection originated is matter of controversy. The weight of scholarly opinion to-day is in favor of the view that it was made in France, by some person or group of persons interested in raising to the very highest point the authority of bishops over the laity, in making the connection of the episcopate with the papacy as close as possible and thus in diminishing the power of the metropolitan. The time seems to coincide with the papacy of Nicholas I, but it is possible that this collection was made long before and only brought into use when the extraordinary activity of that pope made it necessary.

Defense of Forgery.

As to the fact of the forgery there is now no doubt whatever. It is admitted by every one, Roman Catholics as well as others. The only difference is in the understanding of the purpose of the originators. The defense of the church is that if these decretals were not really written by the earliest bishops of Rome they might have been, and, if occasion had arisen, would have been. Such a defense sounds queer to modern ears, but we have to remember that literary forgery, especially where a matter of religion was concerned, has seldom been regarded with too rigid criticism. The end has seemed to justify the means, and the inquiry into origins to be a piece of hostile impertinence.

Purpose of the Forgery.

The collection usually called the "forged decretals" was published under the name of Isidore, suggesting some connection with the great bishop of Seville, but it was certainly not made by him. It contained much the same material as that in the Isidorian collection, but was increased by about one hundred documents, mostly decrees of the Roman bishops of the first three centuries and acts of councils which were never passed. The mildest judgment represents the purpose of these forgeries to be the elevation of the priesthood, and especially of the episcopal order as a means of enforcing moral and religious precepts among the people of Europe. Probably the authors believed that by representing the priesthood as an institution going back to the very beginnings of the church, they were doing the very best thing they could to make it effective in its holy work. But the defenders of the fraud are inclined to slip rather lightly over another tendency of these documents, namely, the tendency to represent the Roman papacy as the one single source from which this priesthood derived its powers.

1. Elevation of the Episcopate.

It is this tendency which has given to the False Decretals their greatest fame and which made them most important in their own and the following time. Of course the great mass of persons in the different countries of Europe knew and cared little about the legal bases of the papal power, but when it came to such conflicts as those we have just been studying, the case of Lothair,

2. Elevation of the Papacy.

the deposition of Rothad of Soissons, cases involving the right of the papacy as against local powers, both in church and state, it proved of infinite value to the papacy that it could point to such venerable documents as these, made sacred by the very fact of their antiquity, to support its claims. We wonder, of course, that the falseness of such authorities was not at once exposed, especially when there were persons and institutions directly interested in weakening the force of the papal demands; but we have to remember that what we call in our time the critical spirit, the instinct to examine closely into the accuracy and genuineness of published documents, was at that time almost entirely wanting. The instinct then was to believe anything, and the more strange it was, the more likely it was to be believed. Indeed, to the mediaeval mind there was a certain impiety in disbelieving anything, especially if it was a thing connected with religion in any way whatever. It was not the forger of papal documents, but the critic of them, who would have needed to apologize to the literary conscience of the ninth century.

Importance of the Forgery.

So the False Decretals remained unquestioned, quoted and believed in until the fifteenth century, when, under the light of a new spirit of learning and inquiry, men dared, in a half-hearted way still, to throw doubts upon them. Then it was seen that they were not only a forgery, but a clumsy one at that, so clumsy, indeed, that the moment the light was let in upon them the fact became perfectly evident. During that interval of six hundred years it is safe to say that nothing contributed so much to the tremendous hold of the papacy over the mind of Europe. By means of this collection, the basis of church authority was entirely shifted from its original foundations and transferred to a new one. If we consider this authority for a moment, several possible foundations for it will occur to us. There is, first, the teaching of Jesus, as recorded in the Gospels of the New Testament; then there are the writings of his apostles, also found in the New Testament, then the decisions of general councils, when these have been accepted by the whole church, then the interpretations of the biblical writings by the early leaders of the church, and finally, answers to inquiries from newly founded churches, given by older communities, especially by such as claimed an apostolic foundation, like Alexandria, Antioch or Rome. Such answers to inquiries given by Roman bishops are the decretals which, as we have just seen, made up the greater part of the so-called Isidorian collection. Now the essential point here is that an equal weight was given to these decretals with all the other venerable sources of church law just mentioned. The aim of Rome was to make an utterance of a Roman bishop equally important with a direct teaching of Jesus, or with the decree of a general council, or with the opinion of an early father, such as Clement, or Origen, or Augustine, and it required very little knowledge of the Roman pretensions to see that it would not be long before such utterances would, in all practical cases, be declared *superior* to every other kind of declaration.

The "Decretal" System opposed

1. to the "Conciliar" Theory,

The acknowledgment of the Isidorian Decretals marks the beginning of what may properly be called the "decretal system" of church law as distinguished, for instance, from the "conciliar system." According to the latter, the pope would have been a sort of executive officer, whose function it was to administer a system of law which was defined, and in cases of doubt was to be interpreted, by the common consent of Christendom. In this view the Church would have been a democratic institution, governing itself through a representative body, whose agent the pope was to be. Such a theory of the church, however, was entirely inconsistent with the Petrine theory and all its consequences. One or the other must give way, and the defeat of the conciliar system was secured as soon as men were willing to accept such a complete statement of the opposite idea as was furnished by the new collection.

2. to the "Evangelical" Theory.

Still another theory of the church might be conceived of, which we may call the "evangelical." Indeed, from the beginning to the end, there were never wanting men who would have based the whole authority of the church upon the written word of the New Testament, taking that word with more or less literal exactness. According to this view there could be no authority in the Church but such as could be found in the earliest Christian documents, that is in the Gospels themselves. Now the papacy declared and still declares, that it was itself founded by the Founder of Christianity, though when it came to showing documentary proof of this, there simply was none to show. So this "evangelical" theory, even more than the conciliar, was utterly at variance with that conception of its own character, which the papacy had already reached; indeed, in the time we are now studying it had been practically abandoned, to be revived again only in the great struggles of the Reformation.

Papal Supremacy over Empire.

By the death of Nicholas I, in 867, we may regard the idea of the mediaeval papacy as practically fixed in the form it was to maintain. It only remained for succeeding popes to apply this idea to the actual circumstances of their times. It so happened that the immediate successors of Nicholas were men of very considerable character, and there was no power in Europe strong enough to resist them. Hadrian II was elected by the Romans without consulting the emperor Louis II, but, as usual, this omission was apologized for, and the apology was accepted. Indeed, the emperor went a step farther than any of his predecessors in the direction of submission to the papacy in a very remarkable letter which he wrote to the emperor of the East during the time of Hadrian. Louis had just taken the Greek city of Bari from the Saracens, and had received an insulting letter from the eastern emperor Basilius, declaring him to have usurped the name of emperor, which could belong by right only to him who had inherited it in direct line from the ancient empire.

Letter of Louis II, 871.

Louis, in his long reply, reminds the Greek that his uncles, the kings of France and Germany, his seniors in age, did not hesitate to give him his title of emperor, *recognizing his consecration and unction by the pope as giving him a higher dignity than their own.* The kings of the Franks, he says, "did not gain this title by usurpation, but by the will of God, declared through the papal consecration." Not "emperor of the Franks," as the Greek had called him, but "emperor of the Romans" is his proper title, since, being first king of the Franks, he, like his ancestors, has been called to the defense of the holy city and its high priest. From Rome, his fathers received, first the title of kings and then that of emperors, "such, namely, as were consecrated thereto by the pope, with the holy oil," while other emperors had been raised to power by the choice of Senate and People, by the acclamation of soldiers, or through the favor of women, without any divine sanction whatever. Were then the Franks less worthy to bear the imperial name than Spaniards, Isaurians and other non-Romans who had held the empire without question? More than this, the Franks, by their Christian faith, have become the true holders of the empire, while the Greeks, through their heresies and through their neglect of the holy city, and through their abandonment of the Roman language and the Roman people, have lost their claim to this title.

Basis of Imperial Power.

These lofty claims, put into the mouth of the emperor, doubtless, by some clever Roman priest, give us the clearest understanding how far the emperor himself was willing to go in theorizing about the nature of the imperial office, and help us to comprehend the action of the papacy both at this moment and for a long time to come. The most striking thing about the letter is its acknowledgment that the title of the emperor is due wholly to the coronation by the pope. This alone distinguishes the emperor from the king. Such of the Frankish kings, it says, as had received this consecration from the pope, are properly called "emperors." And this from a man who had, on several occasions, shown a very keen sense of his right, as emperor, to control the actions of popes. The character of the empire for a hundred years is expressed in this one document. It was virtually an abdication by the emperor of all those rights which his predecessors had claimed and exercised as against the papal power. The consequences of this change of base were not slow in declaring themselves.

Charles the Bald, Emperor,

The successor of Hadrian II, the Roman John VIII (872), was, again, a man of force and talent, ready to carry out the theory of the papal supremacy at every opportunity. We have no information as to his election, whether it was in accordance with the wish of the emperor Louis or not. More important now is the other side of the question, the approval of emperors by the pope. King Lothair II of Lorraine had died in 870, and his death had been the signal for that unseemly scramble which resulted in the Partition of Meersen, the extinction of the middle kingdom and the division of the whole northern Frankish territory between France and Germany. So that,

Created by the Papacy.

when the emperor Louis II died in 875 without sons, we see for the first time clearly defined the rivalry of these two great nations for the imperial crown. In France there was for the moment but one candidate, king Charles the Bald, weak, cowardly, and inefficient in all duties of a king, but none the less eager to add the title of emperor to his name. In Germany there were still left Louis Ludwig the German and his three sons. Until now the imperial succession had been provided for during the life of the emperor; now for the first time there was an actual vacancy, and now, therefore, was the chance for the papacy. John VIII declared himself in favor of France, and invited Charles to come to Rome for his coronation. Charles, having bled his people nearly to death in buying off the Norman invaders, bled them now again to pay for his new dignity, hurried over the Alps and got himself crowned with all possible speed. All the circumstances of his elevation show the great advantage of the papacy and its determination to make the most of it. The papal utterances are full of the spirit of the false decretals, and the emperor seems to have no scruple whatever in allowing himself to appear as the creation of the papacy. He let himself be crowned as king of Italy in Pavia, and appointed count Boso of Vienne in Burgundy as his regent in Italian affairs, but himself returned at once to France.

Apparent Papal Gain.

What had the papacy gained by this apparent victory? It had secured an emperor who was likely to keep himself far away from its affairs, and who had acknowledged its powers to the full; but, on the other hand, it had lost its defender against dangers from without, and had brought into its internal politics the element of rivalry between German and local Roman influence, which was to be its chief danger for many a century. For the moment, John VIII seemed equal to the emergency.

He succeeded in gaining a sufficient degree of union among the warring cities and principalities of Italy to hold the Saracens in check, raised a considerable fleet in the western waters, and actually took command of it in a successful fight off the cape of Circe. Not only was the papacy ready to declare itself superior to all earthly powers, but it was willing, if need were, to make itself an earthly power, and to forget its mission as the spiritual head of Christendom.

Actual Loss.

If this brave and vigorous policy seems like a justification of the papacy in its outward relations, so much the more does it reveal the weak points in its internal affairs. The moment it undertook to be one among the powers of Italy, at that moment it ceased to command the reverence of the world. It opened the way for every sort of petty political squabble, and made of itself a prize to be struggled for by every political faction in its turn.

Death of Charles the Bald, 877.

The emperor Charles the Bald, summoned into Italy again to defend the pope from the enemies pressing him on every hand, did actually cross the Alps, and was hailed by John VIII as the savior of Italy. His saviorship, however, consisted in running away as soon as he heard that his nephew Karlmann was on the way from Germany to oppose him. Without waiting to hear what he could do for the pope, he left him at Pavia and hurried back over the Alps. On the way he died, poisoned, as the story ran, by a powder given him by his Jewish physician. The death of Charles brought forth all the conflicting hatreds which the new policy of the papacy had called into being. The real question was, should the empire be allowed to go to a strong man, who might show himself a dangerous servant; or, should the pope himself raise to the empire some lesser prince, who might be expected to be more devoted to his interest.

The German Party uppermost.

All those elements of the Roman state which saw hope in the German alliance gathered about the young Karlmann, who was already in Italy, and the pope did not at once declare against him. Karlmann succeeded in raising a strong party in northern Italy, and put himself in communication with all the enemies of John VIII in Rome. The pope, in despair, took ship and sought time for deliberation in France. The son and successor of Charles the Bald was far too weak to promise any hope whatever, and Count Boso of Vienne, a Burgundian noble who married the daughter of the emperor Louis II and had so far gained the pope's affection that he was declared adopted son of the vicar of St. Peter, did not prove equal to the occasion. After a year in France, the pope came back to Italy and went into diplomatic dealings in all directions without success. Meanwhile, the three German brothers, sons of Ludwig the German, combined to maintain one of their number as emperor, and selected the worst of the lot. Karl the Fat, conducted into Italy by the good will of his brothers, was forced upon the pope, and there was nothing to do but crown him. The new theory of a free choice of the emperor was kept up in form, but it was of little practical use. Karl was no sooner crowned, than he too turned his back upon the pope, gave no answer to his piteous demands for help against the Saracens, and left him to end his days in mourning at the defeat of all his most cherished plans. With the death of John VIII we see the end of the period of brilliant revival which had begun with the papacy of Nicholas I. The result of a generation of incessant political scheming had been the humiliation of the empire; but, now as always, the papacy learned too late that only by supporting a strong imperial power could it succeed in enforcing

Karl the Fat, Emperor.

its own control over the affairs of men. If a strong empire seemed to threaten its independence, a weak one was sure to leave it a prey to other enemies more dangerous yet, because they were not the bearers of any great idea which, like that of the divine empire, might be a real power in European affairs.

CHAPTER III.

REVIVAL OF THE ROMAN EMPIRE ON A GERMAN BASIS. 888-950.

LITERATURE.

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The Empire broken up.

While the title of "Emperor of the Romans" was being handed about in Italy at the will of the popes as a reward for services done or expected, the actual power, by which alone a real empire of the West could be supported, was slowly rising in the North. We have seen that at the deposition of Karl the Fat the German elements of the Empire of the Franks had united in the support of the bastard Carolingian, Arnulf of Carinthia, while the remainder of that empire had fallen apart at once into what might perhaps be described as its natural divisions. Italy had become the spoil of Guido of Spoleto, Burgundy of Robert the Guelf, Neustria of Otto of Paris; Aquitaine was held for Charles the Simple, and Provence for Louis, son of the usurper Boso. The theory of the unity of the empire of Charlemagne was gone forever. It is true, each of the "little kings" sought the support and approval of Arnulf, but it is pretty clear that they were not inclined to think of him as their lawful superior in any sense.

887.

Arnulf's Relations with Moravia.

Nor was Arnulf eagerly desirous of pressing his claim to any such superiority. His first and chief care was to secure the frontiers of his kingdom from the foreign enemies, who were pressing upon it in many directions. The defeat of the Northmen at the great battle of the Dyle in Lorraine, put a stop forever to their incursions in that quarter and showed what could be done by an effective combination of the German forces. At the opposite extremity of his kingdom a new power had risen into dangerous proportions and had reached a point where it became threaten-

891.

ing to the peace of Germany. The great Moravian duchy had extended its power over Bohemians, Poles and other peoples of Slavonic blood, until it had come to represent more nearly, perhaps, than any power has done since, a "Pan-Slavic" combination. It extended along the frontier of Germany from the middle Elbe to the great plain between Danube and Theiss. It had become Christianized after its fashion and had entered into a relation of semi-dependence upon the Frankish state. In the troublous times preceding the coming of Arnulf it had taken advantage of the Frankish divisions to make itself practically independent, and now the reigning duke, Swatopluk — or Zwentibold — declined to recognize the overlordship of Arnulf. After his Norman victory, therefore, the king moved his army against Moravia (892), but succeeded only in laying waste the country far and wide, without bringing the duke to a battle. Another campaign two years later was carried on much in the same way and ended with a defeat of the Bavarian contingent, the king himself barely escaping with a small following. Nothing but the death of the great duke in the same year, the division of the land between three sons, and the near approach of the dreaded race of the Hungarians on the southeast prevented Moravia from taking its place as one of the great, controlling forces of mediaeval Europe. As it was, its power declined with great rapidity, and it fell a prey to one conqueror after another.

Arnulf in Saxony.

The defense of Germany against the northeastern Slavs along the lower Elbe and the Saale was in far better hands than any at the service of the king. There, away in the North, the Saxon people, hardly disturbed in their internal affairs since their conquest by Charlemagne, had gone on developing a solid political power, which was to reinvigorate and purify the demoralized institutions of the Franks, as the Teutonic ancestors of both had revived and purified the life of the degenerate Romans. Arnulf, recognizing that the frontier was safe in their hands, made a hasty visit to the country, in 892, on his way back from the Norman battle, but never again entered Saxony and seems to have had nothing further to do with it.

Lorraine.

Toward the west Arnulf adopted a measure of defense which seems of very doubtful value. He made his bastard son Zwentibold king of Lorraine, nominally, it is true, still subject to him as emperor, but practically independent. So far as we know he took no measures whatever to secure the future dependence of Lorraine upon Germany, rather than upon France, but deliberately added another to the smaller kingdoms into which the great Frankish state had fallen. The only motive of policy one can see in this act is, that he wished to make of Lorraine a "buffer" between the great states of the East and of the West, a use of that land which is at this very day put forth as justifying Germany in not restoring it to France, but holding it free from connection with any one of the German states as "imperial lands," to guard the peace of Europe. This son proved himself a most incapable person, interfering with the quarrels of the western kingdom, now on one side, now on the other. He made himself so unpopular within his own borders that at the death of Arnulf the leading men of Lorraine united in giving back the land to Germany and in defending the cause of the little king Ludwig with such success that Zwentibold lost crown and life together in the conflict.

Arnulf to Italy, 894.

When Arnulf had thus secured the frontiers of Germany on every side, he turned, by what seemed a natural instinct, to the idea of universal empire. Indeed in the year before the establishment of Lorraine he had been invited by the pope Formosus to come to Rome and receive at his hands the imperial crown. He had gone as far as Lombardy, had taken a few towns and had got himself crowned king of Italy, but the opposition had been so strong that he had been glad to get out of the country by the shortest way and back again into Germany. Three years before this the same pope Formosus, who, long before he became pope, had been, as bishop of Portus, an active supporter of the German party in Rome, had found himself obliged by political pressure to recognize Guido, duke of Spoleto, as emperor, and, a year later, to crown his son Lambert as his colleague and successor, but he had not ceased to look to Germany for the kind of imperial support which no petty Italian prince was likely to be able to give him.

Crowned Emperor. 896.

Two years after Arnulf's first attempt the time seemed come for a second; he had made himself strong in the North, the different German peoples were fairly united in their support of him; he was able to get together a strong army, mainly of Swabians, and this time he succeeded in making his way to Rome. Not, however, at once into the city. The local Roman party was anything but pleased to have a German king interfering in Roman affairs and closed the gates against him. Arnulf was a resolute man; he had come to get his crown, and within the city he knew there was the pope ready to give it to him. The only way was by force, and with the full support of his brave Swabians the king began the storm. Treachery within assisted him and the City of Leo was in his hands. From there negotiations began, the pope did as he had promised and so there were now two emperors, each resting upon the same papal coronation and claiming the full measure of rights and powers so conferred. Of course, therefore, the next care of Arnulf was to gain the sole power for himself. There seemed to be nothing in the way of an easy conquest of the boy rival in Spoleto, when suddenly, that ally of all Italians against all Northmen, the deadly climate, began its work. Arnulf was suddenly prostrated by disease and was able to do nothing more than get himself home again.

Last Years of Arnulf.

This expedition of Arnulf was the first attempt of a German king to regulate the politics of Italy and it was to be the last for a half century. Meanwhile the energy of the German people was to be devoted to developing a powerful and united state, upon which all future attempts at world-sovereignty were to be based. Our attention is, therefore, now to be occupied with this very interesting problem. Arnulf never recovered from the illness which had driven him out of Italy. The remaining three years of his life were spent in fairly successful continuation of the same activities which had filled his earlier ones. They are chiefly remarkable for the first threatenings of the terrible plague of the Hungarians, which in the early years of the next century was to bring desolation upon all parts of the German kingdom. Singular that the man who had done more than any other to free the civilization of central Europe from invasion by the barbarians of the North, should have come down in history as the one who, by a thoughtless alliance with the Hungarians in his wars against Moravia, taught these sons of the steppes to know what wealth and power were awaiting them if they could overrun the frontiers of Germany on the east. We shall hear more of these marauders when we come to study the history of Arnulf's immediate successor.

Ludwig the Child. 900–911.

Of all the numerous offspring of Arnulf but one legitimate child survived him, a boy named Ludwig, at the time of his father's death barely six years old. It shows what progress the idea of a German kingdom had already made, that the leading men of the various stems were willing to unite in supporting this feeble heir as king. Doubtless here, as so often afterwards, the very weakness of the candidate was his strongest claim to support. He offered to these restless nobles a rallying point for common action, if this should be needed, and at the same time he seemed not likely to interfere with the quiet development of their own power. For another eleven years the kingdom was thus secured against a tyrant, and it is in this interval that we can most profitably study the growth of those great ducal powers which were to be for so many hundred years the actual centres of German power.

The Stem-Duchies: I. Bavaria.

Bavaria was then pretty much what it is now, the country lying on both sides of the middle Danube, especially the great valley of the Inn. So far as it had a capital city, it was Regensburg, an ancient Roman frontier town at that point of the Danube where it reaches its most northern limit. As far back as the times of Charles Martel we find Bavaria governed by an old and well-established ducal family under its own laws. In spite of a marriage alliance with the Carolingian family, the house of Bavaria had refused to put itself under Frankish control, and the result was that Charlemagne had, by force of arms, destroyed the ducal power, and simply made Bavaria a province of the Frankish state administered by royal officers. In the divisions following his death, the country had been the chief seat of the eastern Frankish rulers. Ludwig the German, his son Karlmann and his grandson Arnulf, had each in turn regarded Bavaria as the natural centre of his power. It was the bulwark of the eastern kingdom, reaching out with its eastern "mark" along the Danube, down beyond where Vienna now is, and thus furnishing the natural starting-point for all military expeditions against the formidable enemies who, one after another, had pressed into this valley from the far East.

In the midst of these incessant conflicts, the fighting nobility of Bavaria had developed a powerful sense of unity and local national pride. They had furnished the forces with which king Arnulf had fought his Moravian campaigns, and after his death they put themselves under the leadership of their bravest man, the markgraf Luitpold, who had made himself master of all the eastern mark. Under his lead they set themselves in the way of the fearful Hungarian storm which, in the year 907, came sweeping up the great valley, carrying ruin everywhere before it. In the very first encounter the Bavarian army was annihilated. The markgraf himself, the archbishop of Salzburg, the bishop of Freising and a host of other leaders, lay and clerical, remained upon the field. The Hungarians had forced their way up the valley as far as the Enns, and for the time remained settled there. The boy king, Ludwig the Child, betook himself into safe quarters, and Bavaria was left to recover from its disaster and to guard the rest of the kingdom alone.

The House of Luitpold.

The affections of the nation gathered about their fallen hero, and without any formal act of which we have any record they put themselves under the lead of his son Arnulf as the national duke. By this process Bavaria returned to the situation in which it had been before the days of Charlemagne; it became a united power within the larger life of a German kingdom. For the moment the local interest was far superior to the national one.

Dukes of Bavaria.

Directly to the west of Bavaria, along the upper courses of both Rhine and Danube, taking in the whole eastern and northern parts of what is now Switzerland, lay the beautiful land of Swabia, or, as it had formerly been called, Alemannia, — then, as always, the

II. Swabia.

home of romance and poetry. Swabia had been for centuries under the Frankish rule, and had been governed by royal counts. But here, too, as in Bavaria, there had grown up an active and vigorous nobility, which had come to think of itself as quite independent of all royal authority. The absence of a capable sovereign led here also to a gathering of the discontented about a local hero; but the forces of the king, aided by the clergy, were sufficient to repress and to punish cruelly the first attempt. Then occurred a thing which was often to happen in the future — the royal counts cast in their lot with the people of the land, and declared themselves at the head of the revolt. Not until late in the succeeding reign was there any successful effort to oust them, and then their cruel treatment served rather to weaken than to strengthen the hold of the kingly power in Swabia.

III. Franconia.

Northward from Swabia and northwest of Bavaria, lay the land which of all others in Germany had become earliest and most completely identified with the Frankish control. Hardly had the Salian Franks under Clovis got the better of their Ripuarian cousins, than they carried their arms eastward along the valley of the Main, as far as the borders of the Thuringians in the neighborhood of Bamberg; and this Main valley, with that of the middle Rhine about Speier, Worms and Mainz, and the neighboring valleys of the Neckar, the Lahn and the head waters of the Weser, had ever since been known as eastern Frankland (*Francia Orientalis*). Here were the most numerous and the richest cities, the seats of the greatest bishoprics and the keys to the most important lines of traffic. In Franconia there were two centres of local influence, the family of the Bambergers in the east and that of the Conrads in the west. The latter were the relatives and friends of king Arnulf, and had been raised to power by his favor. At his death war broke out between the two factions, the land was wasted from one end to the other, and the outcome of it was that the house of Bamberg was ruined; while the family of the Conrads, helped to its victory by the royal support, found itself independent of all royalty, and exercised in Franconia, without the name, yet all the powers of a purely local duchy.

IV. Saxony.

Once more towards the north we find the fourth of the great ducal powers, and here we meet a development quite different from that in the southern lands. Here, along the lower courses of the great northward flowing rivers, the Ems, the Weser and the Elbe, had lain, since beyond all human record, the ancient, pure Germanic nation of the Saxons. Only a hundred years before, they had been conquered to Christianity and to civilization by the arms of Charlemagne; but three generations is but a short time to transform a race. Doubtless, the leading forces of the nation had long since seen the necessity and the advantage of putting themselves into harmony with the dominant race of the Franks, but it is equally clear that the spirit of the people was still largely tinctured with heathen elements. Christianity and the Roman-Frankish civilization were hardly more than a varnish over a nature which still retained much of the barbaric force combined with much of the barbaric simplicity and directness of the ancient Germanic race.

Saxony and the Franks.

The control of the Frankish rulers in Saxony had never been complete. Though we read only once, during the reign of Louis the Pious, of an uprising of the Saxons against Frankish influence, it is clear that the kings, even of the eastern Franks, preferred to keep themselves clear of the Saxon affairs, and to content themselves with such assurances of loyalty as the furnishing of troops and the payment of taxes would supply.

It is clear further that the leaders among the Saxons were growing steadily more accustomed to the relation with the Franks, and were coming to regard themselves as a part, though a very independent part, of the Frankish nation.

The Saxon people appears from a very early time divided sharply into classes, with a clearly defined hereditary nobility at the head, and a well-marked subject peasantry at the foot of the scale. This order of the population had not been disturbed by the Frankish conquest. The nobility still continued to exist, and had added to its former claims the new element of an office-holding class under the royal supremacy. This nobility had found its mission, during the century after Charlemagne, in the defense of the eastern frontier of Saxony against the line of Slavonic peoples along the Elbe and Saale, and its leaders had acquired, just as similar leaders had done in Bavaria, a political influence over the whole race.

The Saxon House of Ludolf.

Among these leading Saxon families was one which appears on the surface already in Charlemagne's time. It had been clever enough to see that the hope of the future for Saxony lay in the Frankish alliance, and its head, a certain Ekbert, had married a lady closely related to the great emperor. His son, Ludolf, had still further raised the fortunes of the house, and had married his daughter to the young king Ludwig, son of Ludwig the German. Ludolf's sons had led the Saxon "heerban" in 880, in a great battle against the Northmen, in which the land north of the lower Elbe was lost, and one of these sons, Otto the Illustrious, had, with the consent of all the Saxons, taken upon himself the defense of the land in the terrible times which followed upon the death of Arnulf. The little king Ludwig had nothing to say in Saxony, but the fighting men of the land had rallied around their own leader, and in successive campaigns had thrown back the Hungarians from the south, and tribe after tribe of the Slavonic neighbors on the east. Nowhere else was the ducal power so thoroughly rooted in the affections of the people as here.

Germany in 911.

Thus we see Germany at the death of Ludwig the Child divided into four nearly independent states, each one with some rallying-point for its own action, and impatient of royal control. Lorraine, which might be counted as a fifth, was at this moment in the hands of the French Carolingian, Charles the Simple, handed over to him by a faction of its nobility at the death of Zwentibold. It seemed as if a moment had come when men would follow the example of their fathers and invite the only remaining "legitimate" sovereign of Charlemagne's blood, the French Charles, to reunite the Frankish empire. That they did not do this is the best proof that Germany was beginning to be conscious of itself and to feel the instinct of nationality in politics as well as in blood.

Election of Conrad I. 911-918.

If we are to believe the Saxon chronicler, the first two cases of free election among the German stems show a generosity of sentiment almost too lofty for the men of any day, and surely very much out of keeping with the later actions of the men who took part in them. The most prominent, the most powerful and the most respected man in Germany in the year 911 was undoubtedly Otto the Saxon, and, we are told, the leading men of all the stems were anxious to give him the royal crown. But he, with rare modesty, declared that he was too old and feeble for so great a burden, and advised the princes to unite on his younger rival, Conrad of Franconia. This is the first real election of a German king. All the stems were represented, though it is clear that the Saxons and the Franconians determined the action of the assembly. After the election the king was crowned and anointed by the archbishop of Mainz as the most important prelate of the German church. No reference whatever was made to the papal power.

His Problem.

The problem of the new king was evidently to control the action of the local duchies, and to make them, as far as was possible, conscious of their common allegiance to a central authority. In order to do this it seemed to him necessary to enforce his own influence in the affairs of all the duchies, and an opportunity to do so occurred in each one in turn. In every case Conrad treated the reigning duke as a rebel, and sought to put him down by force of arms. Even against Henry of Saxony, the son of the man who had stood aside to let him ascend the throne, he showed the same narrow and jealous policy. The result was that, although he succeeded in making the royal authority felt in all directions, he succeeded also in making it thoroughly hated, and at the end of his life the stems were more active, more conscious of their identity, and less inclined to bear the aggressions of a royal house than ever.

Influence of the Clergy.

In all his struggles with the principle of local independence Conrad was supported by the leading minds of the German church, for here as always the clergy was quick to perceive that its interest lay on the side of a strong single government, which would protect it against the aggressions of a grasping and all too active nobility. The proof of this alliance of king and clergy is seen in the doings of a synod of the German clergy held in the year 916 at Altheim in Swabia. Clergymen from all the stems but the Saxon were present, and the pope, John X, had sent a special legate with instructions to warn the Germans against the disorders which were ruining their land. The synod placed itself wholly on the side of the king, declared his enemies to be traitors and summoned them to present themselves before him and receive their merited punishment. Nor did it omit all possible precautions against an abuse of the property and rights of the church by ambitious laymen; priests should not be summoned before lay judges and should be free to appeal from the judgment of a local synod to the pope. Disloyalty to the king, the natural protector of the church, was to be met by the curse of the church, the lot of the traitor should be "with Judas Iscariot and his like."

Failure of Conrad's Policy.

In reliance upon the promise of the king certain of his most bitter enemies had given themselves up to him, expecting a mild sentence, but Conrad, trusting doubtless in the support of the clergy, condemned the two most prominent to death and had them beheaded forthwith. Such a policy might have worked in the hands of a great man, by impressing the nation with a sense of his resistless power, but the resources of this king were too slight and the local patriotic feeling had become too strong. Again in all directions he saw the resistance of the most important elements taking form, and in the midst of the preparations to resist it he found himself ill unto death. The Saxon chronicler writes:

> "When Conrad felt his end draw nigh he called his brother Eberhard to him and said:—'I feel, my brother, that I can bear no longer the burden of this life. It is the will of God that I must die. What is to become of the kingdom of the Franks, depends chiefly upon you; therefore bethink you well and consider my counsel, the counsel of your brother. We (*i.e.*, the Franconians) have many vassals and a great people which obeys us: we have many castles and weapons; in our hands are the crown and the sceptre, and the splendor of the monarchy is with us. But fortune and the right spirit (*mores*) are wanting to us. Fortune, my brother, together with the noblest spirit have fallen to the lot of Henry; the highest hope of the nation is with the Saxons. Take, therefore, these insignia, the sacred lance, the golden bracelets, the royal mantle, the sword of

the ancient kings and the crown, and go with them to Henry. Make peace with him that you may have him for your ally forever. For what need is there that you and the people of the Franks together shall fall before him? Of a truth, he shall be a king and a ruler over many peoples.' "

Election of Henry I. 919-936.

Thus Conrad seemed to confess the failure of his policy; whether he believed it to be a false policy or only that he had not been man enough to carry it out, is not certain. At all events we see with Henry the Saxon a very different practice, whatever his theory of the relation of the royal to the ducal powers may have been. He accepted the offered crown and was confirmed at a meeting of the Saxon and Franconian princes. The bishop of Mainz was on hand to offer him the sanction of the church, but Henry put him aside, with the words: "Enough for me that I am raised so far above my forefathers as to be chosen and called king, through the grace of God and your devotion; let the sacred unction and the crown be for better men than I; I cannot hold myself worthy of so great an honor." "And the speech," says Widukind, "pleased the whole assembly, and, raising their hands to heaven, they kept repeating the name of the new king with a mighty shout." It may well be that Henry had seen enough of kings crowned and guided by priestly policy, and was disposed to try what the support of the fighting-men of Saxony, allied with the sound elements of all the duchies, would do for the unity of the state.

Henry and the Duchies.

Henry's first step was to assert his authority in those parts of the kingdom which had taken no part in his election. Supported by Saxony and Franconia he was plainly more than a match for any single power then in sight. In a rapid campaign he entered Swabia, where the duke Burchard surrendered at once and was recognized by the king as the head of Swabian affairs. In Bavaria the duke Arnulf at first refused to acknowledge the overlordship of Henry, but, after a vigorous show of power by the king, he too accepted the situation and was allowed to keep his ducal name and position. In his case we have a record of an express condition of the agreement, that he should have the right to appoint the bishops in Bavaria. Then Henry turned his attention to Lorraine. There, ever since the death of king Zwentibold, it had been a matter of great uncertainty, whether the land was to be French or German. The French king, Charles the Simple, had repeatedly asserted his rights and had had a considerable following, but the real forces of the country had united around a local family and had looked eastward for their support. Even before his election as king, Henry the Saxon had been the person to whom they most naturally turned. The clergy of Lorraine threw their weight as usual against the local powers and in favor of the western king.

Lorraine becomes German.

For the moment Henry could afford to wait. He met Charles of France in peaceful negotiation, and received from him full recognition as king of Germany, an important fact, for thus the "legitimacy" of the new German kingdom was confirmed by the power which had most interest in combating it. For seven years yet the full sovereignty of Henry over Lorraine was delayed, while the nobles of the land, led by the dexterous turncoat Gilbert, were involved in the endless troubles of the French monarchy. At the end of that time, without any real fighting, simply by improving his opportunities, Henry was able to get Gilbert into his power, and to strengthen himself in the overlordship of Lorraine by recognizing Gilbert as duke of that country. To secure him more effectually, he gave him his daughter in marriage, and from this moment we may date the organic connection of Lorraine with Germany, which was to last for many centuries.

Thus, within six years after his coronation, Henry found himself the actual head of the German nation. The key to his policy had been to recognize the ducal powers everywhere as the necessary centres of local influence, and then to bind them to himself by ties of personal interest. They were to be largely independent, but they were to be also, in a sense, royal officials. We may fairly think of the German kingdom under Henry I as a federation of five distinct stems, each far more conscious of its stem-unity than of its share in the unity of the nation, but willing, for the purpose of defense against their enemies from without and against each other, to acknowledge the overlordship of the man who seemed most likely to help toward these ends. It is significant that in the considerable mass of popular legend which gathered about these struggles, the hero is always the defender of local rights and the king is always a tyrant; whereas in the semi-official records, from which we are obliged to draw most of our information, it is the king who is the divinely-appointed father of his country, and the local heroes are rebels and traitors. The fact is, we are dealing here with a time when rights and privileges were very faintly defined, and when constitutional arrangements of the European states were only just beginning to take form.

Nature of the New Kingdom.

The chief interest of Henry's reign is in the quite extraordinary measures taken by him for improving the military strength of his own dukedom. The eastern frontier of Saxony, along the line of the Elbe, was exposed to incessant warfare from the Slavonic peoples, and the care of this frontier had been at once the most anxious problem and the source of the greatest power of the house of Ludolf. Saxony in the tenth century was a new country, depending wholly upon agriculture, almost without large cities, and subject there-

Henry's Defense of Saxony.

fore to the greatest peril whenever an enemy succeeded in getting within its borders. Henry turned his mind during a long series of years to the best means of overcoming this disadvantage. He did what he could to persuade his people to cover the country at convenient points with fortified places, into which provisions could be brought in case of invasion, and where the natural business of market places might be transacted. In some districts he provided that the fighting men of the open country should be divided into groups of nine, of whom one should always be in one of these strong places to take in and care for the produce sent in by the other eight, while they should meanwhile combine to work his land for him. Especial care was taken to make this rural "militia" an effective fighting force.

Invasions of the Hungarians.

The immediate incentive to these great exertions was the dread of renewed incursions of an enemy as much more dangerous than the neighboring Slavs, as they were more numerous and less like any of the European peoples. We have heard of the Hungarians as allies of king Arnulf in his Moravian wars. They were a people quite new to Europe, who during a generation past had been moving gradually westward from the foot of the Ural mountains, across the steppes of Russia, into the lands of the lower Danube. The descriptions of them by the Frankish writers sound almost exactly like those of the Huns by the Roman historians of the fifth century, but there is no reason to believe that they were related to them by direct descent. Of the same stock, the Finnish-Tartar, they probably were, and they came into Europe by the same road which their terrible predecessors had followed.

Like these, also, they were a race of small, active men, still in the nomad stage of development, owning great wealth in horses and cattle, but wholly unused to the arts of settled life. Like the Huns they spent much of their time on horseback, and conquered their enemies rather by the swiftness of their attack and the craftiness of their strategy, than by any special bravery or discipline. Driven by enemies from behind they had forced themselves in like a wedge between the great Moravian kingdom on the North and the Bulgarians on the South, and had overrun the magnificent grazing country along the Theiss and the southern course of the Danube. There they settled, and there they are to this day. No sooner, however, had they begun to feel at home in their new country, than they found themselves tempted to renew their former manner of life at the expense of their neighbors in all directions. In the summer of 899 we hear of them in Italy, plundering and burning throughout the great plain of Lombardy, and utterly destroying a considerable army got together by king Berengar.

Their Settlement in Europe.

In the years immediately following they tried their strength against Bavaria without definite result, but in 906, answering a call of the Elbe Slavs, a great Hungarian force followed the course of that river into Thuringia, and laid waste the southern portions of the land in the most terrible manner. In the following year a great army of Bavarians, led by the markgraf Luitpold, was annihilated, and all thought of driving the Hungarians out of their new home was gone forever. The only question was whether the Christian powers of Europe would be able to confine them within these limits, or to defend themselves against their furious raids. From the kingdom of Ludwig the Child nothing was to be expected. The leaders of the fighting men in Bavaria, Saxony and Swabia had opportunities, each in turn, to prove their bravery, but without success. Year after year we read the same history of endless swarms of Hungarians pouring over

Raids in Germany.

all the German lands and returning, laden with plunder and captives, to their Pannonian fields.

Hungarians in Saxony.

The success of these raids is the best proof of how completely the ancient military strength of the empire of Charlemagne had declined. True, the upper classes had become soldiers and nothing else, but this very fact had weakened the defensive power of the nation by driving out of military service the great mass of the inhabitants, the old Germanic "heerban," with which Charlemagne had fought his wonderful campaigns. The first man to perceive this evil and to try to remedy it was king Henry. When, in 924, a Hungarian army came pouring down the Elbe valley again, he wisely kept out of the way of a regular battle, and sought to gain time. An accident helped his purpose. A chief of the Hungarians fell into the hands of the Saxons, and in return for his surrender, they gained a truce for nine years on payment of an annual tribute, and the Hungarians withdrew. These nine years of peace furnished Henry the opportunity for those military reforms we have already noticed. In this interval he had occasion to try the strength of his army against the eastern Slavs, and the great victory of Lenzen on the lower Elbe raised the courage and the hopes of Saxony to a height they had never before reached.

Return of the Hungarians. 933.

The result was that when, in 933, the end of the truce was approaching, Henry called his fighting men together and put the question to them whether they should fight or pay. He reminded them that in this interval he had, as it were, been plundering them, their sons and their daughters, to fill the treasury of the Hungarians. These resources were now at an end and, if the tribute was to be kept up, there was nothing for him to do but to take the wealth of the churches and hand it over to the enemies of God. Upon this the people raised their hands to heaven and swore to stand by the king against this most bitter foe. Then came the messengers of the Hungarians as usual to demand the tribute, and were sent home empty-handed. The courage of the Saxons spread even to their Slavonic neighbors, so that when the Hungarians, in great force, came once more down the Elbe valley, expecting help from their former allies, the Daleminicians about Meissen, the latter openly scouted them, and instead of the expected tribute, tossed the carcass of a fat dog into their camp.

Battle on the Unstrut.

The invaders divided into two parties, a western one, which, trying to enter Saxony through Thuringia, was completely destroyed by Saxons and Thuringians together, and an eastern one, which marched straight on against the king who awaited them near Merseburg on the river Unstrut. Henry knew the dread of heavy cavalry, which the Hungarians felt, and so sent forward a detachment of Thuringian infantry to draw them on. The ruse succeeded; as soon as the enemy caught sight of the heavy squadrons awaiting them in battle array, they turned at once in hasty flight, and got themselves off so fast that although Henry's riders chased them for eight miles they hardly caught or killed a man. The effect of this victory was to raise the fame of Henry to the highest pitch. The Hungarians gave up their northern raids from this time on, and the princes of Europe began to turn naturally to Henry as the arbiter of their disputes. Widukind says that his soldiers saluted him on the battle-field as "*pater patriae, rerum dominus imperatorque*," a suggestion doubtless that Henry, though he was never crowned emperor, was in fact all which that name implied.

Three years later king Henry died. A few months before, warned of his approaching end, he had called the leading men of all the German stems together at Erfurt, and had asked their consent to the succession of his son Otto as king. This consent had been given, but not without bitter feeling on the part of a younger brother, Henry, who had raised the somewhat peculiar claim that as he had been born while his father was king, and Otto while his father was still only duke of Saxony, the right of succession belonged to him. In fact there was no right of succession, but it is interesting to see these ideas of "legitimacy" making their way into the minds of the Germans. Everything pointed to the Saxon as the natural leader of the nation, but the great question of the future was how far he would set himself free from Saxon traditions and regard himself as the real ruler of Germany.

Nomination of Otto I. 936–973.

The ceremonies at Otto's coronation in Aachen are worth our careful consideration as showing precisely the conception of the German kingdom which Otto was willing to adopt and the heads of the stems were willing to accept. The choice of Aachen shows in itself an intention to connect this new kingdom as closely as possible with the traditions of the elder Frankish state. Henry had been satisfied with the approval of the Saxons and the Franks and had then forced the other stems to recognize his authority; Otto would be satisfied with nothing less than a formal recognition by all the Germans. Henry had rejected the coronation by a churchman; Otto was willing that the church should take distinctly the leading part in his coronation. The ceremony took place in a spot the most sacred in the memory of every Frank, the Cathedral of Charlemagne. The leading personage was the archbishop of Mainz, though the honor was disputed by both the archbishops of Trèves and of Cologne, by the former because his see was said to have been founded by disciples of St. Peter, by the latter because Aachen was in his diocese. As the king and his following entered the church he was

Coronation at Aachen. 936.

received by the archbishop and presented to the assembled princes as "the man chosen by God, nominated by our master Henry and now declared king by all the princes," then he said, "if this election pleases you, show it by raising your hands to heaven." Then the people raised a mighty shout, wishing well to their new leader.

The Coronation Ceremony.

Thereupon the king stepped before the high altar and received from the hands of the archbishop the insignia of the kingdom, which had been laid thereon. As the priest reached him the sword and hanger he said, "Receive this sword and with it drive out all the enemies of Christ, heathen and evil Christians alike, by the divine authority granted to you; for power over the whole kingdom of the Franks is given you by the divine will, to the lasting peace of all Christians." Then, as he gave him the mantle with its clasps, he said, "The border of this mantle, trailing upon the earth, is to remind you that however fiery your zeal for the faith may be, you are to endure unto the end in preserving the peace." Then, taking the sceptre and the staff, "let these be to you a warning that you use a fatherly discipline towards all who are subject to you; and above all reach out the hand of pity to the ministers of God, to all widows and orphans, and may the oil of mercy never be wanting to your head, that you may be crowned with an eternal crown both in this life and the life to come." After this Otto was conducted to the ancient throne in the gallery and there listened to the service of the mass.

From the church the assembly adjourned to the banqueting-hall of the adjoining palace and there the king was served by the dukes of the several stems as his *ministri*. This was perhaps the most significant part of the whole ceremony. The office of the *ministri* or *ministeriales* was one of personal, originally menial, service about the person of a lord. It appears from an early date among the Germans in a four-fold form. The *camerarius* (chamberlain) was the servant whose duty it was to provide for the night-quarters of his master. The *senescalcus* (seneschal) had to see that the master's table was supplied with food. The *pincerna* (cupbearer) was the waiter at table and finally the *marescalcus* (marshal) was the master's groom. The very nearness of such service to the lord's person gave a character of especial honor to it and, of course, the actual duties were soon performed by servants of the servant. It can hardly have been without some sense of its symbolical meaning that these offices at the coronation of Otto were performed respectively by Gilbert duke of Lorraine, Eberhard duke of Franconia, Hermann duke of Swabia and Arnulf duke of Bavaria. By this act the Saxon was declared to be the overlord of all Germans. "Otto," says Widukind, "having honored each one of the princes with a royal gift, dismissed them with all cheerfulness."

The Stem-dukes as "Ministri."

Thus at the very outset we see a theory of the new empire declared, which was quite different from that of Henry the Founder. Under him the kingdom had been little more than a loose confederation of separate stems, each under a local chief and giving to the central government as much or as little support as seemed good to itself. Otto, a stern man, filled with a sense of his mission as the restorer of the Frankish state, took up the work with the theory that he was the real ruler of Germany and that the stems were only the organs of the royal power, not its essential elements. He would not destroy them, but he would make them his "*ministri.*" The political history of Otto's reign, the most important since the days of Charlemagne, is the history of this theory in conflict with that of local independence.

Resistance to Otto I.

Hardly had the German princes "*cum omni hilaritate*" returned from the coronation at Aachen, when the numerous causes of dissatisfaction in the kingdom began to make themselves felt. The king's younger brother, Henry, had not forgotten the slight put upon him by the election of Otto. There was an elder half-brother, Thankmar, son of Henry by a former marriage and declared illegitimate by the church, and these family enemies were speedily made use of by the heads of local politics as rallying-points for an attack. The details of these internal quarrels can interest us only as they illustrate the great principle we are trying to understand. Suffice it to say, that down to the year 950, that is during the first fourteen years of his reign, Otto was almost incessantly occupied with a series of rebellions against his royal authority and that on the whole he succeeded most wonderfully in getting the better of all his enemies and in actually changing the whole character of the relation between the duchies and the kingdom. Down to his time it is clear that the duchies represent an authority derived from within themselves. The dukes are local leaders, belonging to families of long connection with the respective territories. Under Otto they become the appointees of the king and represent the local interest only in so far as this does not conflict with that of the central power.

Otto and the Duchies. 950.

Only once in the course of this long struggle do we see an effort on the part of Otto to take upon himself the ducal powers in any district and even there he soon found it convenient to depute his authority to a new incumbent. The whole story of these years is hardly once dignified by a manly, face-to-face fight of any one party against any other. It is a wretched story of petty squabbling for petty ends, of attempts at assassination, of broken oaths and sham reconciliations. Yet in the midst of it all we see the figure of the king standing firmly by what he believed to be his right and coming out in the main victorious. At the end of this period of struggle, we find Bavaria in the hands of his brother Henry, who after leading for years in every desperate move against him, had finally declared himself his faithful ally and kept his faith. Swabia had long been ruled by Ludolf, the child of his marriage with Edith, daughter of King Edward of England. Over Lorraine he had placed one Conrad, of the great Franconian house, and had given him his daughter in marriage. Franconia and Saxony were for the present in his own hands. Thus after years of anxious conflict all the duchies of Germany were united in the hands of one family. It seemed as if the unity of the nation were about to be fulfilled by a natural process of inheritance. Even the question of the succession in the kingdom had been determined by the acknowledgment of Ludolf as heir to the throne.

CHAPTER IV.

DEGRADATION AND RESTORATION OF THE PAPACY. 900–963.

LITERATURE.

ORIGINAL SOURCES.

See Chapters II and III.

MODERN WORKS.

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The Papacy in 900.

WE left the papacy at the close of the Carolingian period, in the full tide of successful assertion of its rights as against all temporal sovereignty. It was distinctly acknowledged as the only true source of the imperial power, and it was disposing of the imperial title quite at its own will. In the person of the great pope Nicholas it had maintained itself as against the power of local metropolitans or local synods, and had forced the royal power, as represented by Lothair II, to seek its judgment and yield to its decisions. It had put itself forward as the only possible political force in Italy about which the various powers of the peninsula could unite for any semblance of common action, and as the leader of Italy it had driven the Saracen from his most important strongholds. As the direct agent of Christian missionary effort it had connected itself with the most distant frontiers of Europe, and had made a vigorous, though unsuccessful fight to win from the Greek church the allegiance of some of its most important provinces.

It seemed as if there could be nothing to prevent the papacy from becoming the arbiter of all European affairs.

Causes of its Decline.

That it did not become so at once was due to its failure to recognize wherein the true sources of its power lay. If the papacy was to be a universal power, it seems clear now that it ought, by every means in its power, to have maintained its universal character. Especially, it would seem, ought it to have combined as many and as wide interests as possible in its support. If it was to control the whole Christian world, then obviously the whole Christian world ought to have had a share in its action. In other words, the local character of the papacy, as the Roman bishopric and as chief of the Roman territory, ought to have been kept in every way secondary to its universal character as head of Christendom. The only way to do this under the political conditions of Europe in the year 900 was for the papacy to connect itself inseparably with the only other power, which could be thought of as representing this universal idea, namely, the empire. But the only terms upon which the papacy had been willing to treat with the empire had been that it should absolutely control it. It had so far succeeded. It had weakened the empire into nothingness, but precisely in that way it had undermined its own best source of strength.

The Papacy a Local Power.

The alternative was that the papacy itself became a local power, and entered upon a stage of its history which has justly been considered as the lowest through which it has ever been called upon to pass. The emperor Arnulf had been crowned in the year 896 by the pope Formosus, a man of force and character, who had long been distinguished in the service of the Roman church, and had kept himself steadily on the side of those who believed that the best hope of the papacy lay in an intimate union with the German kingdom. This had naturally brought upon him the enmity of the other Roman parties, especially of those families among the city nobility which thought of the papacy only as a convenient means of advancing their own interests. At his death, a few months after the coronation of Arnulf, we see the affairs of the city falling at once into the hands of these factions, and their momentary victory was the signal for the most disgusting episode in the whole history of the papacy.

Trial of Pope Formosus.

A pope rushed hastily into office, died in a fortnight. Another, set up by the Roman factions, lent himself to the unheard-of scheme of putting the dead Formosus through the forms of a trial for usurpation. The corpse of the pope, already eight months in the grave, was dug up again and dragged to St. Peter's before a synod of the Roman clergy. Dressed in full pontificals it was placed upon the papal throne and furnished with an advocate for its defense. The advocate of the new pope, Stephen, then called upon the dead man to declare why he had dared to ascend the throne of St. Peter while still holding the office of bishop of Portus. The advocate of Formosus made what feeble defense he dared, but the assembly, representing the voice of God on earth, declared him guilty and deposed him from office. The papal garments were torn from the corpse, the three fingers with which he had given the divine blessing were chopped off, and the body, dragged out of the church by the heels, was thrown into the Tiber. This ghastly incident is a sufficient comment upon the moral conditions of the city of Rome, and upon its capacity to furnish the Christian world with a leader in the things of highest import.

End of the Italian Emperors.

The next pope lived four months, and the next twenty days. By this time a reaction had set in, and the body of Formosus, fished out of the Tiber by some fishermen, was reburied in St. Peter's with all honors. Pope John IX saw his only hope in connection with the Italian empire, feeble and local as that now was. Since the withdrawal of Arnulf from Italy, the young Lambert, son of Guido of Spoleto, had kept on playing the emperor there, and could at least serve the purpose of acting as a foil to the pope against his Roman enemies. A synod of 898 declared that in future no papal election should be valid without the approval of the emperor, and confirmed Lambert in his title, adding, also, that the election of the "barbarian" Arnulf should be considered null and void. Pope and Italian emperor went at length into the miseries of the eternal city, and seemed in hearty agreement as to the remedies. It seemed for a moment as if a new life might be infused into Italy by this combination of her highest spiritual with her most active and promising temporal power. Spoleto and Rome combined might have dictated to Italy both in the north and in the south. These flattering hopes were destroyed, however, within a few months by the accidental death of Lambert while hunting. Instantly the rival northern power, Berengar of Friuli, appeared as the claimant for the vacant throne. He got possession of

Death of Lambert.

Lombardy, but failed to find the support he needed for the empire. The party of Spoleto, allied with the powerful Marquis of Tuscany, called upon the young Louis of Provence, son of Boso, to take the imperial crown, and he was in fact crowned at Rome in the year 901. Evidently he was utterly powerless to repress the frightful tumults which followed each other in such rapid succession that the scanty records of the time cannot keep up with them. In the eight years preceding 904 eight popes had risen and fallen, most of them by the most dreadful forms of violence. We search in vain for any thread by which to follow this tangled history. Only one thing is clear, that out of the mist of conflicting parties certain great families were rising steadily into prominence, and among these the house of Tusculum, a family owning rich estates in the neighborhood of Rome.

Pope John X at the Head of Italian Politics.

The poor emperor Louis, attempting to get a foothold in Lombardy, was attacked by Berengar, seized, blinded and sent home to Provence, a pitiable figure. The papacy, reduced to a purely worldly institution, justifies its existence only by taking a sort of lead in worldly affairs. John X, the most able pope since Nicholas I, made a renewed attempt to strengthen his position by supporting an Italian emperor. Berengar, summoned from the north, was crowned with all solemnity, and we are fortunate enough to have preserved to us a description by an eye-witness of the coronation ceremonies. The first result of this new union was a bold assault upon the remaining Saracen stronghold in the south, near the mouth of the Garigliano. All the leading princes of Italy sent considerable contingents to the papal-imperial army, and even the Byzantine emperor, moved by the prayers of the Italians, contributed a strong fleet. The general of the united army was Alberic of Spoleto and

Camerino, at that time the leading man in Roman politics, but the real soul of the undertaking was the pope himself. In this skillful diplomat, purchasing the aid of the Italian princes with shrewd concessions of land, reconciling their differences and leading them into battle, we have no suggestion whatever of the vicar of Christ, whose function was to make peace on the earth. The outcome was a complete overthrow of the Saracen power in middle Italy, but the papacy had lost in spiritual prestige what it had gained in safety and in temporal power.

916.

If we can trust the historian Liutprand, bishop of Cremona, who found little good in his own day excepting in the princes whom he was paid to flatter, the circumstances of John's accession to the papacy were of the most disgraceful sort. The chief charge against poor Formosus had been that he had allowed himself to be transferred from one bishopric to another in defiance of a well-recognized principle of the church. To enforce this principle John IX had made a special decree forbidding such transfers in future. In spite of this, however, John X, while still bishop of Ravenna, had become a candidate for the bishopric of Rome, and Liutprand can explain this in no way but by saying that he had become the lover of a Roman lady, Theodora by name, who could not bear to have him so far away as Ravenna, and had therefore secured his election as pope. The interest of this story is in its suggestion of how the politics of Rome were being managed at this moment. Theodora was the wife of a person named Theophylactus, a name showing, as do almost all those which come to the surface of affairs, a Greek origin, and suggesting thus a leaning among the Roman nobility towards the fashions and traditions of Constantinople, rather than towards those of the Frankish empire, or even of the more remote Roman past. This

Rise of the Tusculan Family.

Theophylactus appears as "Consul" or "Senator" of the Romans, names which have only a feeble connection with the times of the Republic, and mean nothing more than the chief of Roman politics for the time being. The word "senate," in its old sense of a representative body acting for the state, has disappeared, and is used only loosely for the whole body of the Roman nobility. This nobility evidently controlled the public life of Rome, and was engaged at this time in trying to get the control of the papacy into its hands. It was unquestionably a wild, tumultuous society, given over to pleasure, and we shall not therefore be surprised to find it so largely under the influence of certain capable women that this incident has given a name and a character to the whole period in Italian history.

The central figure in this group of the Roman nobility is Marozia, daughter of Theodora and Theophylactus. Through her three husbands, Alberic of Spoleto, Guido of Tuscany and Hugo of Provence, king of Italy, she succeeded, during a period of nearly twenty years, in making herself at least the most prominent person in the affairs of Rome. Alberic first comes into notice as a very capable soldier, who was the mainstay of pope John X in his defeat of the Saracens in 916. From that time on we hear of him as *Consul Romanorum*, and in a sense tyrant of the city to the exclusion of the pope, until in some faction fight he was beaten and disappears from history, leaving a young son of the same name, who was to continue his father's policy with more skill and success.

The Burgundian Kings of Italy. Rudolf, 924–926.

While the affairs of Rome were thus passing into the hands of energetic and ambitious laymen, the shadowy kingdom and empire of Berengar in the north were rapidly nearing their end. Discontented nobles in Lombardy returned once again to that policy of the Italians which was to be their bane for a thousand years, and sought in foreign interference a remedy for evils they were powerless to mend of their own action. They invited king Rudolf of Upper Burgundy to come over the Alps and accept the 924. crown of Italy. He came, tempting the fate which had sent his neighbor, Louis of Provence, back from just such an attempt to pass the rest of his days in blindness and misery. Berengar, accused of having invited the Hungarians into Italy, was murdered at Verona; but, in spite of this advantage, Rudolf was unable to maintain himself, and gladly listened to a much more attractive offer. Lower Burgundy, known also as the kingdom of Provence or of Arles, had come practically into the power of its chief nobleman, Hugo, a grandson of king Lothair II and that Waldrada who had kept all the powers of western Europe by the ears in the effort to secure for her children recognition as the lawful heirs of their father.[1] This Hugo, without regard to the rights of the blinded king Louis, proposed to Rudolf, that if he, Rudolf, would give up his claim to Italy, he should have the southern Burgundy as well as the northern, as compensation. By accepting this offer Rudolf secured a comparatively safe possession in place of an extremely uncertain one, and laid the foundation for the future united kingdom of Burgundy.

With the death of Berengar the imperial name is suspended for more than a generation. The substitute for it in Italy was the royal title, in the hands of a series of foreigners and natives, no one of whom succeeded in gaining anything like a real sovereignty in the peninsula. Hugo of Provence came into Italy under unusually favorable circumstances. He was welcomed by his half-sister, Irmengard of Ivrea, a woman who seems to have had as much influence over the politics of the North as Marozia over those of Rome, by a faction of the restless nobles of Lombardy and by the pope, John X, who was now plainly at a disadvantage against the faction of Marozia. This faction had become especially dangerous through the marriage of its head with marquis Guido of Tuscany, the most powerful territorial lord in Central Italy. The city of Rome came entirely under the control of this combination, the pope was imprisoned and even before his death, a rival pope was set up in his place. John X died in 929, a man, who, if a pope had been a secular ruler only, would have deserved one of the highest places in the record of great pontiffs.

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[1] The following table shows the relationship of the leading actors in Italian affairs just before the coming of Otto: —

K. Lothair II of Lorraine = Waldrada (concubine)
Berengar (Emp. 915)
I) Theobald of Provence = Bertha = II) Adalbert of Tuscany
III) K. Hugo of Italy = Marozia = II) Guido. Lambert. Irmengard = Adalbert of Ivrea = I) daughter
Pope John XI
(son of M. and Sergius III (?))

Hugo of Provence King of Italy. 926.

After a papacy of which we have no record beyond the name of the pope, we come to a most singular situation. The faction of Marozia saw its opportunity to place in the papal chair the son of this woman and, perhaps, a former pope, Sergius III. The opportune death of her second husband left her free for a new alliance and there, waiting for just such a chance to get a firm foothold in Rome, was the Burgundian Hugo. He had got the crown of Italy without difficulty, and there can be little doubt that his ambition was reaching after the empty name of emperor. Hugo paved the way by capturing and blinding his half-brother, Lambert, now Marquis of Tuscany, and his lawful wife was already dead. A canonical hindrance to the marriage, since Hugo and Guido were sons of the same mother, was easily overcome, for the

Marriage of Marozia and Hugo. 932.

divine power which could dispense from all rules was in the hands of a boy of twenty, son of the eager bride! The marriage took place, though plainly against the will of the patriotic Roman party. Hugo had been making enemies at a great pace, by giving the lands and offices of Italy to the Burgundian adventurers in his following, and how little he trusted the Roman people is seen by the fact that he did not venture outside of the Castle of St. Angelo, where the wedding had been celebrated. The only real interest of this affair to us is that it brings out into his first prominence the man under whose guidance Rome was to enter upon a new era of prosperity and comparative decency of administration. Alberic, the son of Marozia, compelled to serve as a page in his step-father's following, and insulted by Hugo for some trifling cause, put himself at the head of that party which we have ventured to describe as the "Roman" and roused the city to a storm of indignation against the rule of the foreigner. The success of this movement shows that its force had long been gathering. Hugo was driven from the city before he could get the imperial crown which his papal step-son would surely not have denied him. Marozia, overwhelmed in the misfortune of her new husband, was imprisoned by order of her son and henceforth disappears from history. The pope, John XI, was taken to his palace of the Lateran and kept there in honorable confinement.

Alberic, Son of Marozia.

Thus, in a moment, as it were, the city of Rome found itself freed from the presence of a king of Italy, who would soon have been emperor, and from the control of a pope in its temporal affairs. One of those singular waves of republican enthusiasm, called up by the memory of her mighty past, which have so often swept over the eternal city, seems to have carried away her people at this crisis. They seem to have believed for a

A Republican Revival at Rome.

moment that they were to be forever free from the control of any power outside their own walls and indulged in extravagant displays of patriotic zeal. A system of government with Alberic at its head was put into operation and actually maintained during a period of twenty-two years of peace and order.

Alberic Princeps et Senator. 932-954.

As to the details of this administration we are very much in the dark. Coins and documents give us proof that Alberic was the recognized head of affairs and was known as "*Princeps atque omnium Romanorum Senator.*" The former title of "Patricius," which seemed to imply a kind of dependence upon some higher source of authority, is no longer in use. The foundation of this new power was the right of the Roman people to choose their own ruler, as against the right of any one whomsoever, emperor, king or pope, to designate him. We learn that Alberic devoted himself especially to a new organization of the city militia and that he was able, by means of these efforts, to ward off successfully several attacks upon the city by king Hugo. We know that he found support in his administration from the active monastic reform which, starting in the monastery of Cluny in Burgundy, had already begun to make itself felt in Italy. It will be our purpose later on to trace this movement in detail; the recognition of it by Alberic as a means of bringing something of order and decency into the society of Italy is a proof of his far-seeing prudence and his thoroughly earnest desire for the common good. Alberic's relation to the papacy reminds us of that originally held by the ruler of Rome, the ancient Roman emperor, toward the early bishops. He controlled and protected the papacy without oppressing it. His half-brother, John XI, lived on for five years after the coming of Alberic and seems to have adapted himself to the situation. He

Alberic and the Papacy.

was succeeded by Leo VII, undoubtedly put forward by Alberic and also willing to serve his plans. Leo was a Benedictine monk and it was through him that Alberic hoped with reason to carry out his plans for monastic reform.

Three succeeding popes fill out the time of Alberic's life. They all appear to have been his appointees, and to have carried out the will of his government. Only at the close of Alberic's administration do we begin to see traces of a revival of those relations of the papacy with the countries of Europe, which were the expression of its universal character. So long as Alberic's influence was predominant the papacy was scarcely more than the bishopric of Rome.

Hugo's Plans after 930.

If now we turn from Rome once more to take up the thread of events which led to the coming of king Otto, we find the clue in the many-sided activity of king Hugo. A clever, absolutely unscrupulous politician, this Burgundian noble could see no obstacle to his advance without an effort to remove it. Again and again he led his followers against Rome, only to be beaten back by the skill and bravery of Alberic. Not an Italian prince that did not, at one time or another, feel the weight of his hand. Where violence and cunning would not work, he had tried the value of family alliances. To Alberic he had given his daughter; to the young Berengar of Ivrea, grandson of the emperor Berengar, and now coming to the front as the leader of the Lombard nobility, he gave his niece. In Burgundy itself, where he had not yet succeeded in gaining the royal power, he followed the same policy. At the death of king Rudolf in 937, he hastened into the country and won for himself the hand of the widowed queen, and for his son Lothair that of her daughter, the afterwards famous queen and empress Adelaide. Rudolf's son Conrad put himself, or was taken, under the protection of king Otto of Germany, and thus the evident plan of Hugo to make himself king of Burgundy was defeated.

Italian Combination against Hugo.

The result of all Hugo's deep-laid schemes was that he raised up for himself a crop of enemies, who were only waiting for a favorable moment to combine against him. That moment came when it became clear to the southern princes that a really great power had arisen in the far North to which they might look for at least a change of masters. Berengar of Ivrea, warned by the fate of his elder brother, whom Hugo had put out of the way, took refuge at Otto's court, and watched for his opportunity. **940.** In 945 he appeared in Italy at the head of an armed force and was welcomed with such enthusiasm by the cities and nobles of Lombardy, that he seemed on the verge of success. **945.** Hugo, driven to extremities, played his last card by putting forward his son Lothair, and himself abdicating all his rights in Italy. The Italians, proving the words of Liutprand, "*Italienses autem semper geminis uti dominis, ut alterum alterius terrore coerceant,*" tossed up their hats for Lothair also, and there was nothing for the two rivals but to fight out their claims.

For five years this state of anarchy and confusion continued, until the sudden death of Lothair left Berengar free actually to assume the crown, and at the same time to secure the coronation of his son Adalbert. **950.** The Burgundian party in Italy was at an end; its only representative was Adelaide, Lothair's widow, and her Berengar sought to win for his son. It seemed as if the moment had arrived when that party, which we ventured to call the "national," might have strengthened itself throughout the peninsula, and, in alliance with the vigorous government

Otto I called into Italy by Various Parties.

of Alberic in Rome, have given order and peace to all Italy. Instead of this, all the best elements of the land turned again towards the North. Adelaide, imprisoned by Berengar, escaped and sent a piteous appeal to Otto of Germany, who had already shown himself the defender of her father's house in Burgundy. The pope Agapitus, alarmed for the safety of the papal lands on the Adriatic, which were falling into the hands of Berengar, called upon the German king to defend the rights of St. Peter, and the discontented elements of Lombardy, a constant quantity in every political combination, joined in the same appeal.

Otto in Italy. 951.

Otto, on his side, was, as we saw in the previous chapter, now for the first time in position to accept the invitation. He found himself in the year 950 practically in command of all the resources of Germany. Its several duchies were in the hands of men upon whom, he believed, falsely as it proved, that he could count for loyal support. Of all these heads of provinces none was more strongly bound by every tie than his son Ludolf, duke of Swabia. While Otto was still considering the chances, Ludolf, apparently without the knowledge of his father, crossed over into Italy, and tried to gain a foothold for himself as representative of the king. His effort was entirely unsuccessful, and he could only wait for the arrival of Otto. In September of 951 the German king set out on his march over the Brenner, and without opposition of any kind reached Pavia, the Lombard capital. Berengar took himself out of the way, and Otto did not pursue him. In Pavia, where Otto spent the winter, we find him making grants of land and privilege in Italy, quite as if he had already been acknowledged king of that country.

The ex-queen, Adelaide, had meanwhile escaped from her imprisonment, and after a series of romantic adventures had found a refuge under the care of the bishop of Reggio.

Otto, whose first wife Edith, daughter of king Edward the Elder of England, had lately died, sent messengers to her, not only assuring her of his protection, but offering her at the same time his hand in marriage. The wedding festivities took place at once in Pavia and, if fidelity and party loyalty were not unknown words in the politics of the day, we might conclude that this alliance was a useful incident in overcoming the hostility of those who still clung to the fortunes of the Burgundian kingdom. The truth is that there were but two agencies by which any power could command allegiance in Italy, force and bribery. Otto was free with the latter and had shown that he could apply the former if necessary.

Marriage of Otto and Adelaide.

Otto had gained a wife and the crown of Italy; but the greatest still awaited him. Ambassadors were sent from Pavia to Rome to negotiate for the imperial crown, but, though the pope Agapitus had joined in calling Otto into Italy, he returned a flat refusal to this request. Historians have seen, probably with reason, in this refusal of the pope the policy of Alberic, the same which he had maintained as against king Hugo, to allow no power whatever to put itself in position to claim any sovereignty over the city of Rome. It has been assumed that Otto eagerly desired to renew the imperial name; but it is certain that he was not prepared to sacrifice to this ambition any of the more immediate interests of his German kingdom. He yielded to circumstances, which he might perhaps have controlled, and withdrew from Italy, to wait another ten years before gaining his point.

Otto fails to reach Rome.

In this interval we find Otto occupied, as he had been during all the early years of his reign, in putting down with a strong hand the efforts of the stem-duchies to overthrow the royal power. Legend, taking up the romantic life of his son Ludolf, makes him

Civil War in Germany.

the centre of these efforts. Jealous, it was said, of his father's success in winning the hand of the young queen Adelaide, who would have been a much more suitable match for himself, Ludolf drew about him all the restless elements of German politics, especially his brother-in-law Conrad, duke of Lorraine, and the powerful Frederic, archbishop of Mainz. The result was a conspiracy which seemed, during two years, to threaten the very existence of the revived kingdom. It is the best proof of the great resources of Otto that he was able to overcome this obstacle also. He did it with the help of his faithful Saxons and of his brother Henry of Bavaria, converted at length from his bitterest enemy to his truest friend.

New Invasions of the Hungarians.

The chronicles are full of these family quarrels and local skirmishes, but it does not appear that they had any very disastrous effect upon the life of the people at large. We speak of them as indicating the process by which an actual royal power was gradually built up. Quite different, however, was the effect of the Hungarian assault, which seems to have been largely brought upon Germany by the lack of united action among its political leaders. Since the great repulse by king Henry in the year 933, the Hungarians had never again ventured with success into the North of Germany. We hear of them rather in the northern plain of Italy and in the great region lying southward from the Danube as far as the head of the Adriatic. Westward through Bavaria they had poured again and again, especially in the early years of Otto's reign, overrunning the country as far as the heart of France. Rheims, Sens, Orleans, had seen them before their walls, and whatever was not defended by the strongest fortifications, especially monasteries with their stores of wealth, fell an easy prey. The monastic chronicles of the time are full of dismal tales of plunder and personal abuse, and documents show us how these pious foundations besieged the kings for a renewal of privileges, the record of which had vanished in the storm of the invasion.

The Great Assault in 954.

From France one stream of the marauders had crossed the Alps by the western passes and forced its way southward, beyond Rome, as far as Capua. In all directions we hear of the terror inspired by these raids and of traitorous alliances entered into by one and another chieftain of the Christian states with the heathen enemy against the foes of his own household. In no case do we hear of vigorous or united resistance, while on the other hand we get a very clear impression that the Hungarians chose for their attacks the regions where internal political difficulties seemed to promise them the greatest ease of conquest. The revolt of the son and son-in-law of Otto was one of these opportunities. In the summer of 954 the rumor began to spread that the Hungarians in unprecedented numbers were moving up the Danube. Before Otto, coming from Saxony, could reach them, they had already passed on to the westward, handed along, so we are assured, by Ludolf and Conrad into the lands of Lorraine and France. We hear of no resistance, but the princes of Germany seem to have found in this ever present danger at last a motive for an alliance, if not for union.

A New Deal in the Duchies. 954–955.

The winter of that year was passed in negotiations, which ended in the reconciliation of Otto with his sons. The experiment of a family compact to control the local spirit of independence in the stem-duchies was a failure, and Otto recognized this by depriving both sons of their ducal powers. At the diet of Arnstadt, Swabia, taken from Ludolf, was granted to a count Burchard, representing a local family, and in Conrad's place in Lorraine, where Otto's brother, the bishop

Bruno of Cologne, had been formerly declared duke, the leading influence, though not yet the title, was in the hands of a powerful local noble, Reginher. The archbishopric of Mainz, lately vacated by the death of the slippery Frederic, was given to a natural son of Otto. If the Saxon family could not control the duchies, at least they might usefully hold the three great Rhenish archbishoprics. Otto's brother Henry, who had remained faithful to him during the whole of this trying time, was left in possession of Bavaria.

The Battle on the Lechfeld. 955.

That the motive for this reconciliation, at least on the king's part, was the defense of the country against the Hungarians, is clear, and the wisdom of his policy was shown when in the following summer the common enemy, stronger than ever, started to repeat the invasion of the previous year. The estimates of the chroniclers that their numbers exceeded 100,000 may not have been an exaggeration. Says one, "so enormous were their numbers that they boasted that unless the earth should swallow them or the heavens fall upon them, no power could conquer them." Up the Danube through Bavaria they crossed the Lech, poured into Swabia, and began the siege of Augsburg. The narrative of the noble resistance of the city reminds us of the story of the siege of Paris by the Northmen in 886. Here too the bishop is the central figure of the defense. The city was not strongly fortified and barely succeeded in turning back the first shock of the assailants. The bishop, who had been present at the fight, spent the rest of the day and the night in herculean efforts to strengthen the city walls, not forgetting to send his nuns in procession through the streets and into the churches, to call upon the Holy Virgin for her assistance. Even more effectual perhaps was the reluctance of the enemy to attack a walled town, for the defenders were encouraged when they saw the Hungarian leaders trying to drive their men with whips up to the assault.

The Royal Army.

Suddenly the news spread in the Hungarian camp that the king was approaching with a great army. Otto had set out from Saxony with no very great force, but, fortunately, the contingents of the duchies, with the exception of Lorraine, were in motion and joined him as he moved rapidly towards the beleaguered city. For the first time a true German army was united for a great common undertaking. Yet even now the order of battle shows that the real animating spirit was the pride of local patriotism. The royal army was divided into eight columns, of which three were Bavarians, the fourth Franconians under the lead of Conrad, the real hero of the fight, the fifth picked men of every stem under the king himself and doubtless his own Saxons, the sixth and seventh Swabians under count Burchard, and the eighth a picked corps of a thousand Bohemians, to whom was committed the guard of the rear and the baggage. Otto found the Hungarians encamped on the left bank of the Lech and at once led his army across, hoping to force a battle; but the enemy, always cautious about entering into a general engagement, sent a strong force across the river and then back again in the rear of the Germans, where they suddenly fell upon the baggage and the Bohemian corps. The latter were driven into confusion, and the day would have been lost from the first if Conrad with his troop of wild horsemen had not thrown himself into the thick of the fight and scattered the Hungarians in utter rout.

Then the king, calling upon the whole army and sending forward the banner of St. Michael, led the assault upon the enemy in front. The weight of the German charge threw the light cavalry of the Hungarians into confusion again and the battle became a wild pursuit. "The Lech, reddened with blood," says a poet of the day, "carried to the Danube the news of this Parthian defeat." The German army scattered wide over the land in headlong chase, cutting down the enemies wherever they could be found and reserving only the leaders for a more terrible fate. The Hungarian "king," two of their chief *duces* and a multitude of other chieftains were handed over to duke Henry, who promptly hanged them all at Regensburg, not as honorable enemies, but as the common foes of humanity.

Effect of the Battle.

The battle of the Lechfeld was for the peoples of the East as great a deliverance as had been that of Poitiers for those of the West. Its effect upon the Hungarians was to convince them that they stood no chance whatever against a well-organized army, and from this time we hear of them no more as a terror to civilization. They give up entirely their raiding habits and turn themselves to a settled agriculture in the splendid country which they had chosen for their home. Within two generations they allow themselves to be Christianized and enter definitely the family of European nations. The lesson to Germany was even more important, if only it could have been thoroughly learned. The battle was the proof that all the misery and loss brought upon the west of Europe during more than two generations by these Hungarian raids had been an utterly needless waste. It might all have been spared if one tithe of the energy which had been misspent in petty quarrels for land and rights had been devoted to planting firmly in the path of the invaders one such army as had now met them in the plain of Augsburg.

For Otto personally the prestige of the victory was of immense value. From this point on we see him distinctly rising above the contending forces of Germany and becoming in reality, what he had thus far been only in name, the head of the German people. For the first time he was now able to turn his attention to the idea of the empire. In the year before the victory of Otto over the Hungarians, the Roman Alberic had died, after an administration of twenty-two years. That was, in Roman affairs, a very long period. It had accustomed the Romans to the idea that they were capable of managing the interests of the Roman state, including the papacy, without the help of an imperial ally or head. During this time the papacy had been clearly under the direction of the chief of Roman politics, and there had been, so far as we can see, hardly a protest against this situation. If there had been enough political virtue in Rome to provide as successor to Alberic a man like him, capable of continuing his policy, the situation might have been prolonged indefinitely. Instead of this, the Roman people quietly allowed Octavian, the son of Alberic, a boy of sixteen, educated as a priest, to succeed to his political office and, within a year, to get himself elected pope as well.

Plans for the Empire.

Doubtless this combination of offices seemed to promise a long lease of power to the popular party, but it at once produced a series of complications. Was it that the head of the state was pope? Or was it that the pope was head of the state? Upon the answer to this problem would depend the future relation of the secular with the spiritual power. It was perhaps this conflict of two persons in one man which induced Octavian to change his name at his election and call himself John XII, an example imitated by most succeeding popes. The history of the pontificate of John XII is the proof that the truest interest of the papacy lay, not in the possession of temporal power, but in close alliance with, and spiritual control over, the temporal powers. Whichever side of his functions he tried to emphasize, he was sure to call out a

Octavian as Pope John XII, 955–963.

vigorous opposition from the other, and he was far from being the man to meet such opposition vigorously.

Otto called in by Pope John XII.

The result was that John XII soon found himself obliged to look about for defense outside of those resources which had been sufficient for the truly Roman policy of Alberic. His chief enemy was Berengar of Ivrea, who, in spite of his formal vassalage to king Otto, had gone on in his plan of reducing Italy under his control. Against this enemy the pope appealed to Otto. Already in 956 it had become clear that Berengar had violated his feudal obligations, and Otto had sent his son Ludolf into Italy against him. The fruits of this expedition had been lost by the sudden death of Ludolf, and for four years nothing further had been done. The appeal of John XII was fortified by the request of a multitude of Italian princes, lay and clerical, and fell in, of course, with Otto's natural wish to gain for himself the imperial crown.

Otto II, King in Germany, 961.

The year following the invitation to Italy was spent by Otto in regulating the affairs of Germany. We have to note especially the coronation of his son Otto as king in Germany, an act by which the question of the succession was to be put beyond the reach of accidents. At a diet at Worms, the approval of the German princes for this step was secured, and the coronation was carried out with all solemnity at Aachen by the three archbishops of Trèves, Cologne and Mainz, the uncle, the brother and the son of Otto. The guardianship of the seven-year-old boy and the management of the government were entrusted to Bruno of Cologne and William of Mainz. The defense of the northeastern frontier was left in the trusty hand of Hermann Billing, duke in Saxony. The south-eastern border, freed at length from the terror of the Hungarian, was further protected by the reëstablishment of the

Bavarian Ostmark, out of which the future archduchy of Austria was to grow.

The Imperial Coronation, 962.

With Germany thus provided for behind him, Otto crossed the Brenner in the summer of 961, and passed without resistance into the plain of Lombardy as far as Pavia, where he remained unmolested by Berengar through the winter. Negotiations for the imperial coronation were begun early and give us interesting information as to the views of the two parties. Otto, on his side, promised in advance by the most solemn oaths not to infringe upon any of the papal rights in Italy and, whomsoever he should make king of Italy, to see to it that he too should observe the same respect. The reception of the king in the city of Rome was as friendly as could be wished; but how little confidence Otto had in the sincerity of the Romans, is shown by his command to his sword-bearer: "While I am praying in St. Peter's keep your sword close to my head. When once we reach Monte Mario again, you shall have time to pray as much as you like." The same caution is doubtless to be seen in the shortness of the imperial visit. The coronation followed immediately upon the solemn entry into the city. Both Otto and Adelaide received the imperial title, after it had lain dormant for thirty-seven years and had, in fact, ceased to have any real influence upon European affairs for more than a century.

Papal and Imperial Rights.

At once all those questions as to the relative rights of papacy and empire, which we considered in the Carolingian times, arose again and demanded a solution. The oath of Otto before the coronation was the expression of his intention to protect the papacy in its position as administrator of the Roman state, but on the other hand there were several points in the relation of the two powers which he proposed to make clear. The good will of the pope was shown by a series of decrees relative to matters in the German church which were of little weight to him, but meant a great deal to the emperor. The chief of these papal sanctions was in regard to the establishment of Magdeburg as an archbishopric and of Merseburg as a bishopric subject thereto. This was a scheme which Otto had long had in mind, but which had been bitterly opposed by the archbishopric of Mainz, since all the lands which should be brought under the direction of Magdeburg must necessarily be drawn from its own control. The especial value of the new foundation was as a starting point for missionary effort towards the east.

The Roman "Constitution" of Otto I.

Once again we come to a monumental document, in which we find a definition of mutual rights as we did for the last time in the *Constitutio Lotharii* of 824. The famous constitution of Otto I, now believed to be a genuine document, goes back to the donation of Louis the Pious in 817, which was itself a confirmation of previous alleged grants of Charlemagne and Pippin and confirms these in most particulars. It is clear from this that Otto had no thought of diminishing in any degree the independence of the papacy; but he goes on in the second part of his grant to define the rights of the empire in dealing with papal elections. Referring expressly to the document of 824, and to the evils which have come upon the Roman people through the oppression of the popes, he goes on: — "The whole clergy and nobility of the Roman people shall bind themselves by an oath that the future elections of the pope shall be carried out canonically, and that he who shall be chosen pope shall not be consecrated until he shall have promised in the presence of our legates, or of our son, or of a general council (*universe generalitatis*), such a full satisfaction as was voluntarily promised by our venerable spiritual father Leo." By going back to these Carolingian documents, it was made plain that both papacy and empire desired to connect the revival of their relation, not with the feeble imperial fiction of recent times, but with the tradition which had already shaped itself in the time of Louis the Pious.

Breach between Otto and John XII.

The test of the new relation came as soon as Otto's back was turned. His immediate duty was to dispose of king Berengar, who still maintained himself in almost impregnable fortresses in the north of Italy. While he was sitting before the last of these mountain retreats of Berengar in the summer of 963, disquieting reports began to come in from Rome. It was plain that the reckless youth, who had got what he wanted from Otto, was returning to the wild excesses of life and the neglect of his clerical functions which had been charged upon him before. Otto waited until the autumn, left a sufficient force to keep Berengar in check and appeared in Rome. Not this time as a suppliant for any favor, but as the judge, who drew his commission from the imperial name.

Trial of John XII, 963.

By virtue of his imperial authority he at once called a synod in the church of St. Peter, at which we find not only the higher clergy and nobility of Rome, but also Germans, Lombards and Tuscans. It was an assembly which might well claim to speak the voice of the universal church. In the absence of the pope, members of the Roman clergy brought forward against him a series of charges so incredible that one wonders how they could have borne him as long as they did. Murder, perjury and the plunder of churches were the least of them. In the name of the council Otto sent word of these charges to the pope, promising him safe-conduct if he would present himself and free himself from them by his oath. John's reply was a brief threat, that if the assembly should try to put any one in his place he would excommunicate them all. Thereto the council replied that if he would come and free himself, they would continue their obedience ; if not, they cared nothing for his excommunication. The messengers, finding the pope gone a-hunting, returned without a reply.

Election of Leo VIII.

Upon this, the emperor, addressing the council, called upon them to give their decision, and the council begged him to deliver the church from this monster of iniquity. The actual choice of a pope was left to the assembly, which unanimously voted for a Roman named Leo, a *protoscrinarius* or notary, whose only fault seems to have been that he was a layman. This defect was promptly remedied, however, by putting him through all the lower clerical orders, from *ostiarius* up, in one day, an utterly irregular proceeding, by which the imperial party gave a handle to their opponents for future trouble.

Otto in Upper Italy, 963–964.

Doubtless it had helped to condemn the pope in the emperor's judgment that he had, during the previous months, been in close relations with the party of Berengar. The fall of pope John brought with it also the defeat of Otto's political rivals. Berengar and his family were captured by Otto's forces in the north and sent as prisoners up into Germany, to appear no more in Italian politics. Otto himself, after a three months' visit, left the capital and took measures to strengthen himself in the neighborhood.

Restoration and Death of John XII.

No sooner had he left the city than the party of John began to pluck up courage, and within a few weeks Rome was again in their hands, the imperial pope driven into exile and his chief supporters imprisoned, mutilated and scourged. A synod called to justify the restoration did as it was told. The interest of this assembly for us is that it was made up wholly of

Romans, and unquestionably represented those principles of Roman independence which the house of Alberic had maintained. If this party had put forward suitable papal material, it might well have continued the worthy tradition of the days of Alberic. The miserable rake whom it supported, pursuing the wife of a gentleman in the suburbs, was suddenly stricken with apoplexy and died, without even, it was said, receiving the last unction of the church.

The Empire controls the Papacy.

Again the Roman party put forward their man, this time a really respectable clergyman, and sent messengers to Otto begging him to drop Leo and recognize their candidate. This proposition seems to have struck Otto as absurd and impertinent. His answer is suggestive. "When I drop my sword I will drop Leo." The sword of the emperor was the basis of the papal power. His honor was committed in Leo's cause, and the excellence of the Roman choice could not affect him. Excommunication and a brave resistance were equally ineffectual. Otto sat down to the siege of Rome in all form, and so thorough was the blockade that in a short time the city was at the last extremity of hunger. It surrendered and delivered its unfortunate pope, Benedict V, to the mercy of the conqueror. A Lateran synod undertook the work of judgment. Benedict was declared guilty of treason to the emperor and to the pope whom he had sworn to support, deprived of his papal vestments and banished.

Comparison with Charlemagne's Empire.

At this highest point in its development the empire of Otto suggests a comparison with that of Charlemagne, and may, perhaps, best be described by that comparison. Although Otto unquestionably felt himself the successor of the great Charles, and though writers from that day to this have taken all pains to make the connection evident, still, if we examine the details, we shall see that there was little except the theory to carry out the resemblance. The empire of Charlemagne rested, in the first place, upon the whole Frankish people; that of Otto found its only material support in the resources of the German nation. The character of universality, which had come naturally to the earlier empire, because the holder of it was actually ruler of all Germanic Christianity on the continent, was wanting to that of Otto. He represented only a fraction of the Christian-Germanic world, that fraction, to be sure, which had shown itself the most vigorous and which gave the best promise of permanence; but after all there was something absurd in calling any person emperor who had only a local backing. This element of the absurd was never wanting, even in the times of the greatest energy of the mediaeval empire. Charlemagne was the successor of a line of kings reaching back through at least three hundred years of unbroken development, and as he was the originator of a new tradition, so was he also the completion of an ancient political ideal towards which the Frankish policy had from the first been tending. Otto was a Saxon thane, raised to an apparent superiority over his fellow Germans, but forced from first to last to fight for supremacy against all the powerful local traditions of the nation. Charlemagne had gained his great military and political successes as the head of the Frankish "Heerban," which answered his summons by virtue of a feeling of national allegiance. Otto was the head of a state rapidly becoming feudal, dependent for every enterprise upon the personal good-will of the men over whom he tried to exercise control. The influence of Charlemagne was the result of institutions which found in him their best expression; what influence Otto had on the course of events depended upon his momentary ability to control affairs by force. Charlemagne, often by a mere show of power, had broken down every form of organized local resistance; Otto had been forced to see local powers taking on permanent forms under his very eyes, and had been able only to direct these local movements by actual military force, employing one against the other as their mutual jealousies gave him opportunity.

Otto's Papal Policy.

The last ten years of the great Otto's reign are of interest chiefly for his dealings with the papal power and for the definite establishment of the Saxon house in its royal position. At the death of Leo VIII in 965, the Romans made no attempt to evade the imperial claims, but sent up into Germany to suggest that Otto might now consent to the restoration of the banished Benedict. Fortunately this impediment to the imperial plan died also just in time to save a conflict, and the Romans accepted Otto's candidate, a respectable Roman clergyman — none the less respectable, apparently, because he was the son of the bishop of Narni — and made him pope under the name of John XIII. Then again the same old story. A Roman faction rebelled against the imperial pope and drove him out of the city. John found a retreat with a power which was just beginning to make itself felt as a force in Italian politics, — the duchy of Capua, in the hands of a prince of Lombard descent and name, Pandulf. This man with his brother Landulf in Benevento, controlled pretty much the whole of central Italy. They stood in a vassal relation to the Greek empire, which, it must not be forgotten, still held the southeastern coast of Italy and was at this time in the hands of a surprisingly vigorous line of rulers. It was a problem of the greatest interest to all the powers of the peninsula whether these Lombard princes would attach their fortunes to the declining influence of Constantinople, or to its rising and ever more threatening rival, the Saxon conqueror.

Otto, as soon as he heard of the Roman troubles, set out again for Italy and crossed the Alps for the third time just as Pandulf had escorted the pope back into Rome. Never yet had the fact of the German control been so clearly emphasized. Otto, in conjunction with his pope, sat in judgment on the rebels and condemned them to punishments as brutal as they were grotesque. For the moment there was no doubt who was master in Rome. Pandulf, as a reward for his service to the pope, was invested by Otto with the marks of Spoleto and Camerino and definitely became the "man" of the empire. His brother Landulf in Benevento followed the same policy. Thus an issue with the eastern empire was clearly made and the challenge was at once accepted by Constantinople. Otto had already despatched an embassy to the East to ask for the hand of a Greek princess for his son Otto, and this embassy met in Macedonia a Greek army on the way to Italy by land to act with a fleet already sent over to punish the rebellious Lombard princes and to save the Greek cities of the coast from a possible attack by them and their new master. The Greek emperor, Nicephorus, plainly not anxious to make so long and desperate an expedition, agreed to give up the attack and to send over the princess, provided Otto would consent to give up all claims upon Greek Italy.

Otto I and the Lombard Princes.

We hear no more of a Greek land expedition to Italy, but an embassy from Nicephorus in the spring of 968 refused both to give up his claim to Apulia and to consent to the proposed marriage. Upon this Otto and his Lombard allies moved into Apulia and began the siege of Bari. At the same time he sent to Constantinople the famous bishop of Cremona, Liutprand, whose report, filled with bitter complaints of bad treatment and with a very amusing account of his

Negotiations with the Eastern Empire.

CHAPTER V.

EUROPE AT THE YEAR 1000.

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Until within a few years it was generally believed that during the tenth century the mind of Europe was laboring under a profound and universal conviction that the year one housand would bring some tremendous catastrophe to mankind. The phenomena of this period, the spread of the ascetic idea, the great progress of the Church in wealth and in power over the human mind, the slow advance of learning, have all been explained as consequences of this "millennial" notion. Recent inquiries, however, made quite independently one of the other, have shown that this notion, though doubtless existing here and there, was far from having the decisive influence formerly ascribed to it. It was probably only one sign among many of that vague sense of impending ruin which is a part of all early Christian thought, and which is undoubtedly one of the powerful springs of the ascetic life. Looked at in this way the year one thousand forms a convenient epoch at which to gather into one point of view the various forces tending towards the great conflict of the Empire and the Church.

Minority of Otto III.

The value of the new arrangement of the eastern borderlands under Otto II was shown during the early years of his son and successor, Otto III. In spite of the well-defined principle of election, the Saxon house had a sufficient hold upon the nation to insure the succession of Otto at the age of three. Henry the Quarrelsome of Bavaria, set free from his confinement at the death of Otto II, at once seized the person of the boy, declared himself regent, and began to take steps to gain support as king. The Saxon princes, however, stood firm in support of Otto and succeeded in placing him under the regency of his mother, Theophano, who, from this time until her death, showed herself a woman of extraordinary capacity and character. The chief effort of this regency was spent in maintaining the eastern frontier against a general rebellion of the Slavonic tributaries. The new system of marks worked well, and the line of defense was not permanently broken, though the Slavs were for a generation almost free from German control. After the death of Theophano the young king

991.

was for a time under the control of the aged empress, Adelaide and the archbishop of Mainz, and then began his independent government at the age of sixteen. Our interest in Otto III is chiefly concerned with his conceptions of the nature of the empire and his relations to the great ascetic movement which was slowly moulding the character of European society.

996.

Charlemagne had built his empire upon the Frankish nation. Otto I, taking up the Carolingian tradition, had felt himself first a German and secondarily a Roman. Otto III, born in the purple, inheriting on both sides imperial traditions, brought up by a mother whose education had been that of the Byzantine court, began, as soon as he could plan for himself, to think of himself first of all as Roman emperor, head of the Christian world, and commissioned to carry out this universal idea of empire. Again, Charlemagne, much as he desired to encourage the higher interests of civilization, was himself first a soldier, educated but little, and spending the greater part of his activity in strengthening the material foundations of his state. Otto I was, so far as we know, entirely without education, a sturdy fighter, basing his control of church and state upon his good sword. Otto III was educated in the best learning of his day, his mind filled from his earliest youth with the stories of the ancient Roman greatness.

Otto III contrasted with Charlemagne and Otto I.

Hardly was he firm in the royal seat when this tendency began to make itself felt. Once again the point of attack was the Roman papacy. The affairs of Rome since the time of Otto I had been going steadily from bad to worse. All the evils to which the papal administration was specially exposed had shown themselves active, and Rome had forfeited the respect of the Christian world by a display of ignorance and

Local Corruption of the Papacy after Otto I.

baseness quite as bad as that in the times before Alberic. Again a Roman party, under the lead of the Crescentian family, had tried to get affairs into its hand, but there is no trace of the strict organization and the well-defined principles which had marked the reign of the earlier and more capable tyrant. The feeling of the North about Rome is well expressed by the protest of French clergymen at a Synod of Rheims (991) against an appeal to Rome. "Rome," said Arnulf of Orleans, "is the seat of every iniquity. While learning and piety are being cultivated in all the nations of the North, Rome is sunk in ignorance and sin." Gerbert, afterwards pope Sylvester II, declared at the same time that Rome could claim control over the church only when it was itself an example of holiness; when Rome becomes the enemy of God, men may withdraw their allegiance from it.

Otto III summoned to Rome.

This low condition of the papal institution, joined with his own imperial ambitions, was the excuse for the first Italian expedition of Otto III. The pope, John XV, driven from the city in faction fights, called upon him for help, but died before Otto could reach him. Otto received the news of the pope's death at Pavia, and soon after at Ravenna an embassy of Roman citizens came to ask him to name a new pope for them,—evidently a German or imperial party, hostile to the close local interest represented by Crescentius. In response to this suggestion Otto proposed his cousin Bruno of Carinthia, a youth of perhaps twenty-five. For the first time a Northerner, a German, was proposed as the successor of St. Peter. He was sent on to Rome with the deputation, and the forms of an election were gone through with. The immense importance of this step seems hardly to have been felt at the time. It was the clearest declaration yet made that the papal office was not a purely

Nominates a German Pope.

Roman one, but representing, as it claimed to do, the universal church, must henceforth be open to any Christian man.

Gregory V, 996–999.

In taking the name of Gregory V, the young German seemed to connect himself with the fairest traditions of the papal history. For a moment it seemed as if Empire and Papacy, in the hands of these two enthusiastic youths, united by ties of blood and the closest sympathy in their aims, might be about to realize the ideal of the mediaeval world, each standing for the highest expression of authority in the Christian community, and yet each aiding the other to carry out its peculiar aims. Their first act was the coronation of Otto as emperor, their second, the trial of Crescentius and the leaders of his party. The sentence of banishment against Crescentius was, at the request of the pope, remitted, and Otto hurried back to Germany to renew the defense of the eastern frontier. He had hardly left the city when the Crescentian party was again on its feet and had strength enough to drive the pope out of Rome. Again Otto crosses the Alps, restores his pope, besieges Crescentius in the castle of St. Angelo, captures him and puts him to death as a traitor.

Gerbert of Aurillac.

Upon the death of Gregory V within a few months the emperor again put forward his man, the Frenchman, Gerbert of Aurillac, formerly archbishop of Rheims, the most famous scholar of the day, versed, as few others in Europe were, in all the ins and outs of papal and imperial politics. This Gerbert, scholar, archbishop, abbot, statesman, tutor of kings, and finally pope, represents better than any other man the peculiar life of the millennial period. Born of low family in Auvergne, placed in a monastery at an early age, he was taken out of the monastic life by a gentleman whose attention had been attracted by his brightness, and given the chance to study in the best schools then attainable, especially in the Christian parts of Spain. His learning in the mysterious science of mathematics earned for him the uncanny reputation sure to follow exceptional and original talent in the Middle Ages. As archbishop of Rheims, the principal see of France, he found himself thrown into the bitter party conflicts between the principle of "legitimate sovereignty" in the persons of the last Carolingians and that of the elective rights of the French nobility as shown in the elevation of rival kings, Eudes of Paris, Rudolf of Burgundy, and finally of Hugh Capet. Probably discerning from the beginning where the future of this problem lay, Gerbert threw himself, heart and soul, into the Capetian cause, and suffered the consequences in the loss of his position and in exile from France. It was while engaged in these conflicts that he was led into the declarations against the Roman papacy, which we have already noticed. His letters written at this time show the strongest feeling in favor of that principle, to be known as the "Gallican liberty," which, not only in France, but also in every other country of Europe, was to make the independence of the national church, as against the papal control, the rallying-point of a truly national spirit.

Gerbert as Defender of the "Gallican Liberty."

Gerbert's relations with the rising Capetian house had thrown him, also, into connection with the Saxon rulers of Germany. In the last days of Otto I he had been well received at court, and this favor, continued by Otto II, had procured for him a rich Italian abbey, and made him thus a prince of the empire. Drawn back to France at the accession of Hugh Capet, he had been rewarded for his services with the archbishopric of Rheims.

Once more involved in conflict, both with the papal power and with the political opponents of king Hugh, he was forced to give up his see, and again turned for support to the German house. His connection with Otto III begins

Gerbert as Pope Sylvester II. 999-1003.

when the lad was just entering upon his independent government. All those extravagant ideas of imperial power, which lay in the blood and training of Otto, were now encouraged by his relation to this, the most famous scholar of the day. The exiled archbishop became the tutor of the young king, was made archbishop of Ravenna, and, upon the death of Otto's first papal experiment, Gregory V, was put forward as his successor. As Sylvester II, Gerbert had a brilliant opportunity of carrying into effect those ideas of the papacy in its relation to the local powers within the church, which he had asserted while fighting the battles of the Gallican liberty. Far from this, however, he made himself at once the champion of the papal supremacy over all local organization. The conception of a thoroughly Roman emperor, finding a response in the ardent imagination of Otto III, was but the counterpart of an equally Roman conception of the papacy. Never, since the days of Nicholas I, had there been more vigorous assertions of papal rights.

As regarded France all fears of papal revenge were set at rest by an immediate restoration of Gerbert's former enemy, the archbishop Adalbero, to the see of Rheims. In the letter making this restoration we find this fine bit of sophistry: that as the removal of Adalbero had not been sanctioned by the papal approval — which approval was necessary for any such action — therefore it implied no contradiction that the pope now declared this removal invalid, and restored the archbishop to all his former rights and privileges.

Spread of Roman Christianity toward the East.

Immense gains to Christianity on the eastern border raised the papal supremacy again in the eyes of the world. During Otto's last journey to Germany, in the winter of 1000–1001, he visited at Gnesen in Poland the grave of his intimate friend, the bishop Adalbert, who had been martyred as a missionary among the heathen Prussians. Received here with the utmost splendor by the Polish duke Boleslaw, he had distinguished this vassal of the empire in every way; had, perhaps, even remitted a portion of his tribute and, most important of all, had raised Gnesen to the rank of an archbishopric with a diocese including all the present and future conquests of the powerful duke. This elevation of a new archbishopric was possible only through the support of the papacy, since it interfered with those rights of supremacy already claimed and exercised by the great Saxon see of Magdeburg, just as, in the days of Otto I, the foundation of Magdeburg had been possible only with the alliance of the papacy against the vested interests of Mainz.

Christianization of Hungary.

Still more important in its effects upon the future of Christian Europe was the admission of Hungary into the family of Christian states. Since the final repulse of the Hungarian raids in the year 955, there had been a steady progress of these barbarians of the steppes toward a more orderly method of life and government. Two agencies had been active in this progress, the development of a strong princely house and the gradual advance of Christianity. Here, as in the German states, a new political order had been possible only by the leadership of a family which showed itself capable of leading, and especially of putting itself in harmony with the evident tendencies of life within its sphere of action. The dukes of Hungary during the latter half of the tenth century had been profiting by the example of that German political development we have been following, and by the year 1000 had come to the point of definite alliance with the system of western European states.

The missionary efforts in Hungary had gone out as well from the eastern as from the western Church, so that it is not a mere accident that the new state turned rather to

Rome than to Constantinople for its organic connection. In the year 1001 the duke Waik, who had previously married the sister of Henry of Bavaria and had been baptized with the name Stephen, sent a request to Rome that he might be received into the Roman communion as king of Hungary, and that the definite organization of the Hungarian church with the archbishopric of Gran as its head, might be sanctioned by the papal consent. Of course the request met with the most enthusiastic welcome. The pope sent to the duke a royal crown which to this day forms a part of that with which the kings of Hungary are crowned. The new kingdom was accepted on condition of vassalage to the Roman see; the archbishopric of Gran was constituted at the expense of Passau, and the valley of the Danube was opened to the free passage of Christian pilgrims from all parts of Europe.

Hungary made dependent on Rome.

This passage of pilgrims to the East had been increasing with the growth of the ascetic spirit. It had come to be one of the favorite means by which a man sought to establish that right relation between himself and his God, which the church doctrine declared to be forfeited by sin. Nothing tended perhaps more strongly than these pilgrimages to call the attention of Europe to the holy places of the East, which had been connected with the life of Jesus and with the early history of the Christian church. The outcome of this thought was to be, a hundred years later, the mighty impulse of the Crusades. It is worth our notice here that the thought of a holy war originated with the man who forms the natural centre of the millennial period. We have a letter of Sylvester II in which he speaks in the name of the desolated church of Jerusalem to the church universal. He enumerates the claims of the holy city to the reverence of Christians, and finally summons the church to rise as the soldier of Christ and deliver her from the burden of the infidel, under which she is groaning. We have no evidence that the pope pushed this matter any further, but the fact remains that in this conception of the pope as the standard-bearer of western Europe in a holy war against the Moslem, we have the clearest view of him as the single power capable even of conceiving such a union of forces in a great common undertaking.[1]

The Imperial Theory of Gerbert.

We have already referred to those conceptions of the imperial power in the mind of Otto III, which form the natural counterpart to Gerbert's interpretation of the papacy. The defeat of the popular party in the person of Crescentius, and especially the elevation of Gerbert to the papacy, were the signal for the embodiment of these ideas in definite form. The key-note

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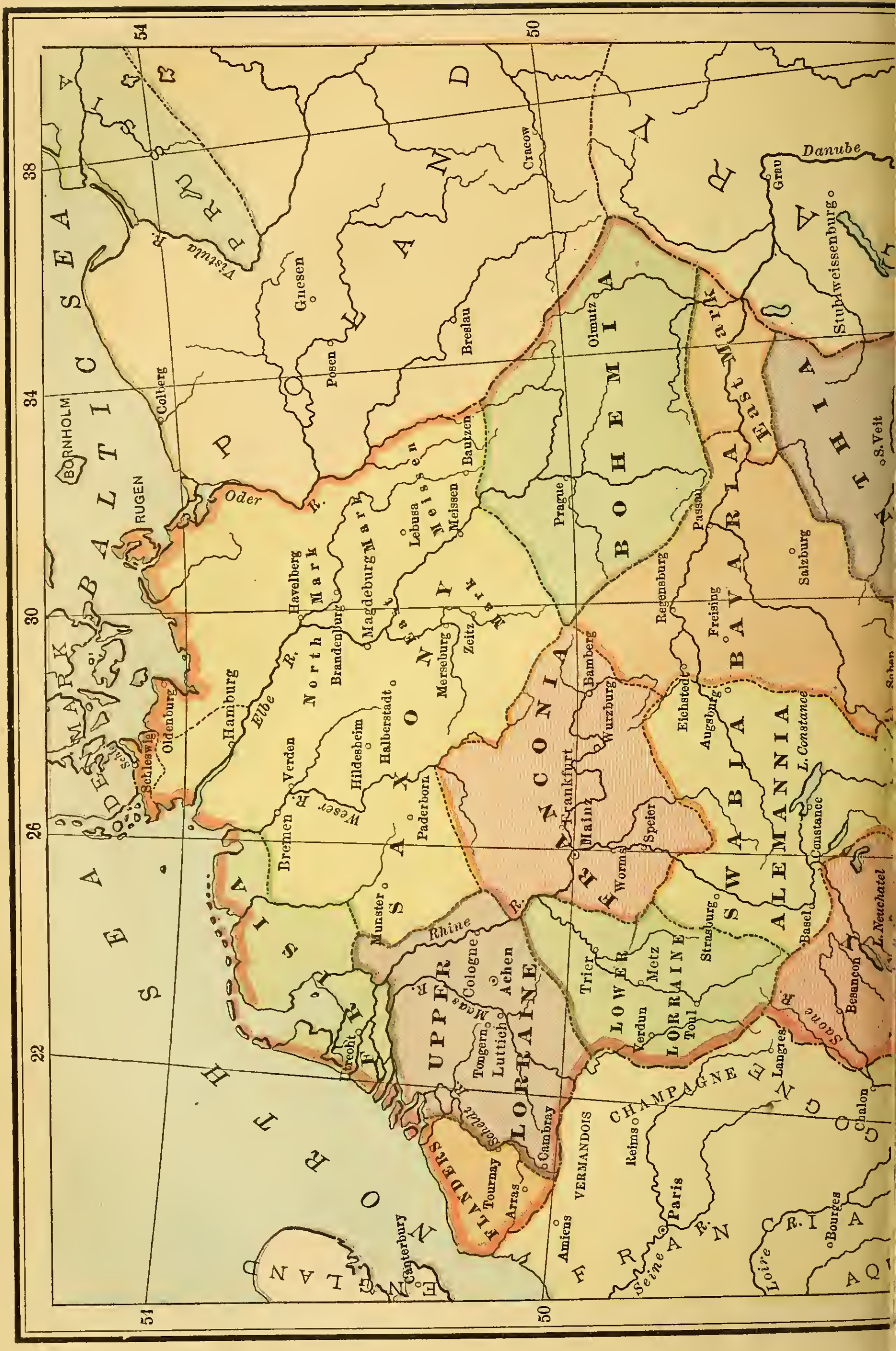
[1] Gerberti epp. 219.

Ex persona Hierusalem devastatae universali Ecclesiae.

Ea quae est Hierosolymis universali ecclesiae sceptris regnorum imperanti.

Cum bene vigeas immaculata sponsa Dei, cujus membrum me esse fateor, spes mihi maxima per te caput attollendi jam pene attritum. An quicquam diffiderem de te, rerum Domina? Si me recognoscis tuam quisquam ne tuorum famosam cladem illatam mihi putare debebit ad se minime pertinere, utque rerum infimam abhorrere? En quamvis nunc dejecta, tamen habet me orbis terrarum optimam sui partem. Penes me prophetarum oracula, patriarcharum insignia. Hinc clara lumina mundi apostoli prodierunt, hic Christi fidem reperit orbis terrarum, apud me Redemptorem suum invenit. Etenim quamvis ubique sit divinitate, tamen hic humanitate natus, passus, sepultus, hinc ad coelos elevatus. Sed cum propheta dixerit: *Erit sepulchrum ejus gloriosum*, paganis sancta loca subvertentibus tentat diabolus reddere inglorium. Enitere ergo, miles Christi, esto signifer et compugnator, et quod armis nequis, consilio et opum auxilio subveni. Quid est quod das aut cui das? Nempe ex multo modicum, et ei qui omne quod habes gratis dedit, nec tamen ingratus recepit. Etenim hic multiplicat et in futuro remunerat. Per me benedicit tibi ut largiendo crescas et peccata relaxat, ut secum regnando vivas.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BAVARIA
East Mark
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LOWER LORRAINE
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FLANDERS
VERMANDOIS
CHAMPAGNE
FRANCE
BURGUNDY
ENGLAND
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Meissen Mark
East Mark
Magdeburg Mark
Schleswig
Oldenburg
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Verden
Hildesheim
Halberstadt
Paderborn
Munster
Havelberg
Brandenburg
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Merseburg
Zeitz
Lebusa
Meissen
Bautzen
Colberg
Gnesen
Posen
Breslau
Cracow
Prague
Olmutz
Regensburg
Passau
Freising
Salzburg
Eichstedt
Augsburg
Bamberg
Wurzburg
Frankfurt
Mainz
Worms
Speier
Strasburg
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Besancon
Trier
Metz
Verdun
Toul
Cologne
Achen
Luttich
Tongern
Utrecht
Cambray
Tournay
Arras
Amiens
Reims
Paris
Langres
Chalon
Bourges
Canterbury
Stuhlweissenburg
Gran
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Elbe R.
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Rhine R.
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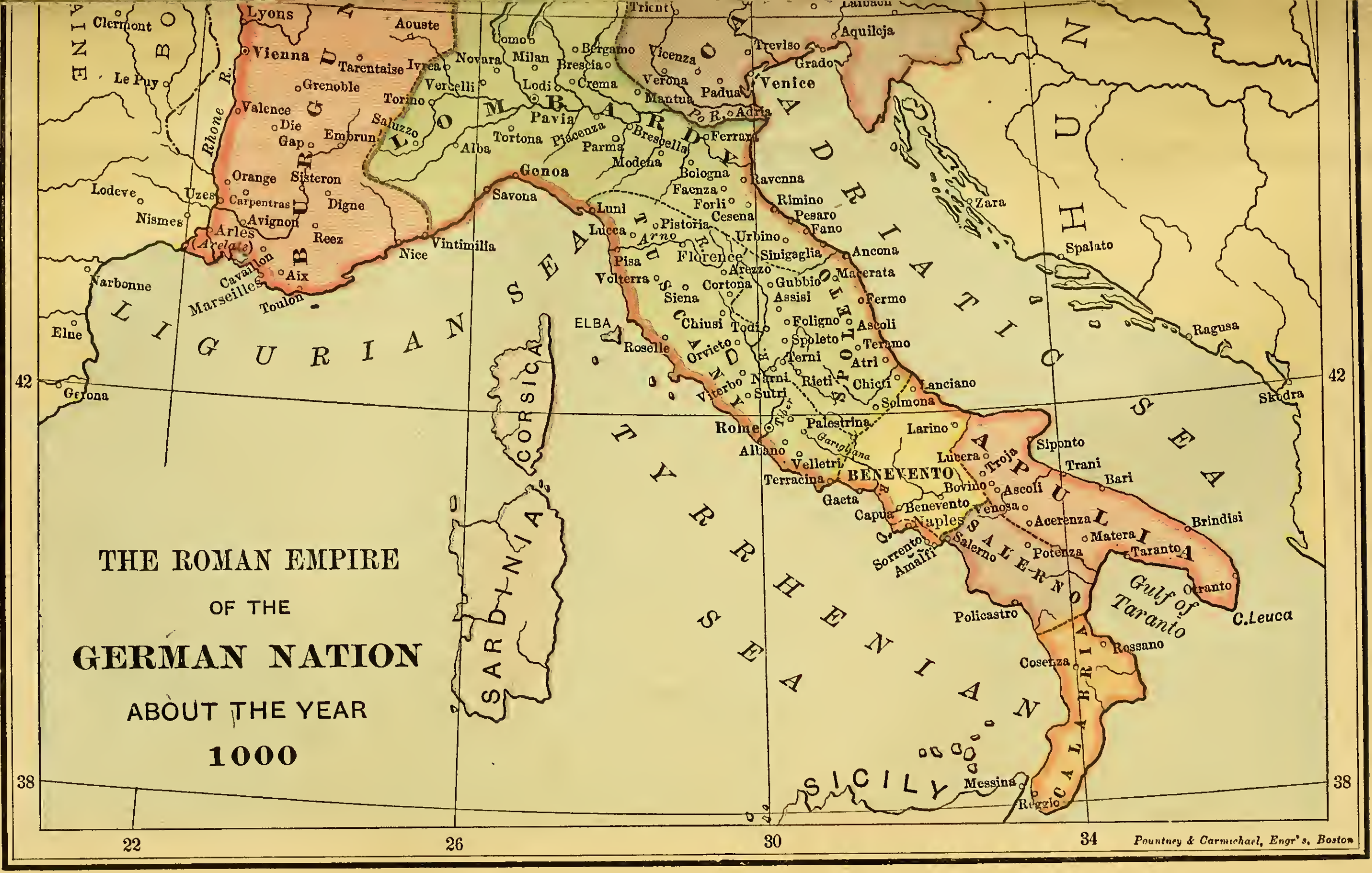

THE ROMAN EMPIRE

OF THE

GERMAN NATION

ABOUT THE YEAR

1000

of Otto's imperial reforms is sounded in a dedicatory epistle in which Gerbert presents to him a philosophical treatise "*de rationali*, etc." Gerbert has prepared this treatise, he says, lest Italy may suppose that the "sacred court" is slumbering in dullness (*torpere*), and lest Greece may boast herself to stand alone in imperial philosophy and in the power of Rome. "Ours," he exclaims, "ours is the Roman empire; our might is given by Italy, fertile in fruits, by Gaul and Germany, fertile in soldiers, nor are the mightiest realms of Scythia wanting to us. Ours art thou, O Caesar, emperor of the Romans and Augustus, thou, born of the loftiest blood of the Greeks, art superior to the Greeks in power; thou rulest the Romans *by the right of inheritance*, thou surpassest both in talent and in eloquence."

A New Notion of the Empire.

The most significant words in this address are "by right of inheritance." So far had the Caesar madness already gone that the imperial youth and his tutor could forget, what no other party in the West was likely to forget, that the real claim of the empire rested upon nothing but the power to enforce it by the sword. The day was never to come when the series of splendid delusions, by which the papacy intrenched itself in the allegiance of Europe, could be matched by a similar series in support of the empire. The pupil of Gerbert did his best. Such an empire as he claimed must have a capital, a thing which all his predecessors, from Charlemagne on, had got along without. That capital must, of course, be Rome. A Frankish or a Saxon nobleman, raised upon the shields of his equal followers remained, even after his coronation by the pope, a popular ruler, easily accessible, distinguished ordinarily but little, if at all, from the circle of his peers. His most fitting palace was his tent; his judgment-hall was the spot whither he happened to be carried by the stress of war. His officials were the simple "ministers," who had once been his body-servants and who now, in his larger state, became simply the heads of the departments into which the still very informal business of the court naturally divided itself.

None of these things would do for the son of those men, who by this very simplicity of power had given him the only solid foundations of success. He took to himself a splendid palace on the Aventine hill. He dressed himself in the long, flowing robes of the Byzantine court. As "sacred emperor" he made access to himself possible only through a formal series of officials. He dubbed the officers of the court with the sounding titles of the Byzantine ceremonial. "*Logothetae*," "*protoscrinarii*," "*protospatharii*," "*praefectus navalis*" (chief officer of a navy which did not exist) and a host of others replaced the simple titles of previous reigns.

Imitation of Byzantine Forms.

The administration of public affairs in the city of Rome was placed in the hands of a double set of officers, partly papal, partly imperial, the theory of a papal executive, with support from and appeal to imperial authority, being in form maintained. Gerbert had given to the young emperor the key-note of these reforms; Sylvester soon saw that they implied a dangerous superiority of the imperial over the papal idea. Otto was generous in confirming to the papacy all the lands which it claimed by virtue of former grants, but still the kind of an empire he had in mind was inconsistent with those extravagant conceptions of papal independence which were taking shape definitely in the mind of Sylvester.

We have looked at these imperial ideas only to convince ourselves that they were a mere splendid dream, based upon theories, not on facts. Every element of the actual political situation was opposed to them. They roused for the moment a certain enthusiasm

A Fictitious Romanism.

in the excitable Roman population, but the instant that Otto showed any intention of carrying out his theory into action, the same Roman party, which had tossed up its hat for him, turned against him and, scarcely established in his Aventine palace as the centre of a great world-empire, he found himself driven out of his capital and a wanderer on the face of the earth.

Swift Ruin of Otto's Plans.

The German princes, more especially the German bishops, were beginning to look with suspicion upon a policy which seemed to neglect Germany in an extravagant devotion to Italy. The same kind of factional opposition we have already seen so often began to show itself. It became evident that the empire had no strength to spare in vague and distant undertakings, but needed it all to keep itself above water at home. Otto III, filled with religious enthusiasm bordering upon madness, betook himself to Ravenna and gave himself up to the influence of the hermit Romuald. Instead of rallying his forces for the recovery of Rome, or marching straight back as his grandfather would have done to reconquer, sword in hand, the wavering allegiance of Germany, he spent his days in fastings and chastisings, until it was too late. Once more he moved languidly towards Rome and sat down with an insufficient army in the neighborhood. Here he was attacked by the deadly Italian fever and died in the winter of 1002, before he had reached his twenty-third year. Sylvester survived him just a twelvemonth. With them disappeared forever the extravagant conception of the Holy Roman Empire they had tried vainly to realize. It was to be the work of later emperors to give this abstract conception a practical working form, adapted as well as might be to actual conditions.

At the moment of Otto's death, negotiations for his marriage with a Byzantine princess were in progress ar

Election of Henry II. 1002-1024.

Constantinople. With him the direct line of the Saxons died out, and it was for the princes of Germany to determine upon his successor in virtue of their electoral right. For the first time in German history we have the story of a regular electoral struggle, between candidates of whom but one could claim any superiority on the score of inheritance, and that only by a considerable stretch of the hereditary idea. The only remnant of the Saxon house was Henry of Bavaria, son of Henry the Quarrelsome and great-grandson of Otto I. He naturally made what use he could of his descent from the great Saxon, but his actual claim to consideration was the headship of the Bavarian stem, just as his rivals, Hermann of Swabia and Eckhart of Meissen, claimed recognition as brave and successful leaders of important territories. Eckhart was murdered early in the contest and Henry gained the election by a process which was to become only too familiar, by promising the princes, especially those of the church, to make their support worth while.

The Electoral Process.

Of definite electoral process there is as yet no trace whatever. The right of giving a vote seems not to have been defined in any way. Henry's first care was to secure the archbishop of Mainz and persuade him to perform the coronation ceremony. Then gradually, by separate dealings with the princes of Saxony, Thuringia and Lorraine he secured a more formal coronation at Aachen and then Hermann the Swabian, finding himself alone, gave up the fight and acknowledged Henry's supremacy. That was an 'election.' Plainly there were certain persons whose support would be especially valuable for the candidate, but who these persons were, was a question to be determined at each election by the peculiar circumstances of the case.

The political problems awaiting Henry II were in many ways the same as those of his predecessors, and in so far we shall have little to do with them. Our interest is, especially, to follow the development of the great antagonism between the Empire and the Papacy, which is the most important issue in mediaeval history. Henry II has gained a somewhat evil notoriety in history as the 'king of the priests.' This is due, undoubtedly, to his great interest in clerical matters and to the great, sometimes excessive piety of his life. It would, however, be a very one-sided view of his activity, if we should leave out of sight the many other really great services which he rendered to the growing German monarchy. Henry was a pious soul in a fanatically pious age, but he was man enough to turn the currents of this religious enthusiasm into very distinct political channels and thus to build up for his successors a set of institutions upon which they were to rely for their best strength.

Henry's Political Character.

It had become clear from the experience of his predecessors that the great bishoprics were the real centres of German political power, so much so that the man who should succeed in keeping them firmly in hand would be able to control the policy of the nation, while any ruler who should not have their support would seek in vain for a political make-weight against them. To control this body and at the same time to live on good terms with it, was the policy of Henry II; if we understand this, the true consistency of his reign and the value of it for the future will be clear to us.

Control of the Bishoprics.

In the course of the conflict between church and state, for which the forces were now gathering, there were three points of especial interest and all of these are already beginning to appear during the reign of Henry II. They were, first, the abolition of marriage through all the orders of the parish clergy, the lower as well as the higher; second, the purity of election in the case of all clergymen, that is, that no bribery or other form of corruption should be used, but that each clerical officer should be put into his place "canonically," according to the established usage of the church. The third point was that the bishop should receive his right to perform the duties of his office from no layman whomsoever, but from the pope alone. These demands, especially the third, the so-called right of papal investiture, form what might well be called the platform of the papal party during the whole long and bitter fight of the eleventh and twelfth centuries.

Three Great Issues between Church and State.

They interest us here as showing how the work of Henry II is connected with that of his successors. As regarded the right of appointing bishops in Germany and Italy, there can be no doubt whatever, that Henry II claimed it for himself in full and exercised it whenever he had a chance, without hesitation and without serious opposition. Again and again, as the great bishoprics became vacant, we find the king filling them with men on whom he expected to be able to rely, and though this expectation was often disappointed, still this does not affect the question of his right of appointment. In exercising this right he was following precedents which had come down to him without interruption from the days of Charlemagne.

Henry II appoints Bishops.

On the other hand we must notice a result, which we shall have occasion to consider elsewhere, that by raising up a strong German episcopate, the king was preparing a weapon that might be turned against himself at any moment when the interest of the episcopate should seem to conflict with that of the crown. An instance of this was the action of archbishop Heribert of

The Canons of Seligenstadt, 1022.

Mainz, an appointee of the king, but a man little inclined to take a second place under the leadership of any one. His idea of the way to improve the German church was to make it a solid body with Mainz at its head and in pursuance of this idea, he called, soon after his election, a council of the suffragan bishops of Mainz at Seligenstadt in Franconia. Two canons of this council have made it famous: one providing that no person should go to Rome without the permission of his bishop; another, that if any person, condemned by his regular clerical superior for a clerical offense, should get absolution for this offense from Rome, such absolution would be invalid. It has been supposed without sufficient reason that this was part of a plan to cut the German church loose from Rome entirely, but without going so far as this it is plain that these canons of Seligenstadt contain a vigorous protest against the unlimited control of Rome over Germany.

The Declaration of Hoechst, 1024.

Naturally such a declaration of independence was not well received at Rome, nor did it fall in with the emperor's ideas of church reform. He was already in intimate relations with the pope Benedict VIII, a man of considerable energy, himself occupied with plans of reform along lines very different from those of national church organization. Benedict's reply was a declaration that Heribert had forfeited his right to the position of archbishop. Thereupon the Mainzer summoned, not merely his own suffragans, but the whole German episcopate to a synod at Hoechst, and we have a document in which this body declares itself responsible for whatever Heribert may have done to offend the pope. It, the German clergy as a whole, is guilty, if he be guilty, and therefore begs the pope, politely but firmly, to reconsider his action. This attitude of the German episcopate shows how far it had gone already in gaining a sense of its own unity and power. Both pope and king died within a very short time and thus we are unable to tell what the effect of Heribert's policy was in determining the later attitude of Germany towards the papacy.

Henry II and Monastic Reform.

Defiance of Rome was not the only purpose of these German assemblies. They were occupied also with measures looking towards church reform in all matters of detail. The impulse here does not seem to have come from Cluny, but rather to have been independent. Henry's part in the process was to get hold of as much of the revenue of the church as possible and to turn this to the service of the crown. Especially in regard to the great monasteries, he made good his theory of royal supremacy. There was hardly one of the great German houses which did not sooner or later feel the weight of his hand. In one place he turned out all the monks and replaced them by those of a more devoted sort. In another he definitely abolished the organization and incorporated the foundation with a larger one in the neighborhood. In all cases his aim seems to have been to make these religious houses active centres of religious life, and where they seemed to have forgotten this purpose, to bring them back to it by force, not neglecting the profit of the crown by the way.

Henry II and Burgundy.

But, if these reformatory efforts in Germany were independent of Cluny, the two streams of clerical activity were soon to meet and to gain in power by combination. One cause of this alliance is to be found in the relations of Henry with Burgundy, the home and centre of the great reforming congregation. The origin of the kingdom of Burgundy we noticed in connection with Italian history at the point where Hugo of Provence, called to become king of Italy, resigned to Rudolf of upper Burgundy all his claims to sovereignty in Burgundy, on condition that Rudolf should give up all his claims in Italy. The

Burgundian monarchy thus organized had never had any great vigor. The actual power was in the hands of a very active and independent nobility, which suffered the kings to keep their name, but were not inclined to let any real monarchical traditions get a firm hold on the country.

First Attempts at Annexation of Burgundy.

In the year 1006, the king Rudolf III, an uncle of Henry II, having no children of his own, proposed to make Henry his heir and to resign his kingdom at once into his hands. The measure was bitterly opposed by the Burgundian nobility, who doubtless feared that this would be regarded not merely as a personal succession of Henry himself, but as a definite incorporation of Burgundy into the body of the German kingdom. Rudolf yielded to the pressure of his nobles and withdrew his proposition, but then renewed it and let Henry make two fruitless expeditions into the country to enforce his authority. Nothing really came of these negotiations until the time of Conrad II, but they indicate that Burgundy was already turning rather towards Germany than towards France, a political combination destined to be of great importance to the history of Europe for another half century. The possession of the Burgundian passes into Italy was in itself a matter of the greatest moment in securing to Germany that close connection with Italy upon which the success of all future imperial schemes so largely depended.

Cluniac Influence in Germany and at Rome.

These dealings between Burgundy and the empire brought the influence of Cluny more directly to bear upon German affairs. We see it at work in Lorraine, and still more we see it taking a definite shape in the councils of the papacy. In referring to the origins of the Cluny reform in Italy in the time of Alberic, we noticed that the encouragement given to it at that time did not come from the papacy, but rather from the energetic and serious policy of the Roman tyrant himself. Now, however, the situation was changed. The papacy, after a long interval, had come once more into the hands of that same house of Tusculum to which Alberic had belonged. Again we meet the names, Theophylactus, Alberic and others, which we noticed in studying the events of a hundred years before. Again, out of this same circle there emerges a man, rising at once above the ordinary level of petty ambitions and ignoble vices which marked the Roman society, and setting himself vigorously to the task of putting something like order and decency into the papal administration. This man was the pope Benedict VIII. The means he employed were the same as those which Alberic had found successful: first, the control of the Roman factions, and second, the employment of the great ascetic movement as the only possible agent in enforcing moral ideas upon an incredibly loose and barbarous population.

Papacy and Empire in Harmony.

Furthermore, and here we see a departure from the policy of Alberic, the pope sought and found support in the empire. Henry II, called into Italy by a rival pope, declared that he would come to judge the church "in accordance with the ancient constitutions," and, having looked over the situation, decided to support Benedict, in return for the imperial crown. Thus we see that Henry was willing to back up the pope in his resistance to the threatening power of the German episcopate, while Benedict, on the other hand, seemed to have found in Henry the very man to help him in carrying out those measures of general church reform which the Cluny movement had outlined, and in which he, with a true foresight, saw the hope of a revived papacy.

For the moment we find the great forces of European politics working in the same direction and controlled largely by the same hands. Empire, Papacy and Cluny united would have been irresistible. The only question was whether such a union could be maintained long enough to make it effective. Its one demonstration during the present crisis was at Pavia, in the year 1018. Pope Benedict himself presided at a council of Lombard clergy at that place, and secured the passage of a series of decrees which give the tone for all similar declarations during the next hundred years. It was notorious that the clergy of Lombardy was, perhaps more than any other in Europe, living in open violation of that ascetic theory which the stricter party in the church had always maintained. Members of all orders, from highest to lowest were living in open marriage, and the customs of the country had given to the children of such marriages even more recognition than to those of ordinary laymen. They were allowed, as regarded legal rights, to follow the status of the mother, and were often fitted out in life with incomes drawn from the property of the church itself.

Council at Pavia, 1018.

The edicts of Pavia ordered all married clergymen to abandon their wives under penalty of suspension from office, and declared their children deprived of all their special legal privileges. Such children, if the father were of servile origin, no matter what the status of the mother, were to become serfs of the church and to be forever incapable of holding property. Simony, the purchase of clerical positions by any illegal form of influence, received also the attention of the fathers at Pavia, and the pope reserved a final opinion on the whole question of reform for a general council to be summoned at no distant day. That the emperor fully sympathized with these efforts is shown by the doings of a Saxon synod at Goslar within a few months after that at Pavia. Henry was present, and, in spite of considerable clerical opposition, pushed through a series

The Pavian Decrees in Italy

and in Germany.

of decrees enforcing those of Benedict. Free-born women who should marry a servile clerk were to be publicly whipped and banished. An imperial judge who should declare the sons of such a marriage to be free men should lose his office; a notary who should help these unfortunates to the possession of land by drawing up the necessary documents should be fined and lose his hand. We are not for a moment to suppose that the mere issuing of edicts changed at once the habits of generations. The bitterness of the fight for a century to come would prove this. It is only important to notice that by the end of the reign of Henry II the issues of the great mediaeval conflict were pretty well defined. The marriage of the secular clergy was distinctly branded by imperial as well as by papal authority, and both these great powers showed a desire to work together in the general interest of a purification of society.

Opposition in National Churches.

On the other hand it must not be forgotten that this very combination of papacy, monarchy and the ascetic party in the church was rousing an opposition, the strength of which no man in the tenth century could suspect, but which, through the eleventh, and from that time on, was steadily gathering force. The national idea, not maintained by the kings or the princes of any European country, was taking form in the national churches, and from these was to work its way out into the political combinations of the future. We have already seen how this feeling had expressed itself in Germany at the synods of Seligenstadt and Hoechst. It found at the same time in France vigorous defenders against what seemed the too great activity of Cluny. This was the epoch of the Truce of God, but even so humane and promising a measure as that seemed, from the strictly national point of view, to be the function rather of the royal power than of an irresponsible body of sentimental monks. A very good theoretical objection this; but it should be evident to us now that, with a royal puppet at the mercy of the very classes it was his duty to control, the question was not one of theory but of fact, and that in fact this ascetic sentiment was the strongest moving force towards order and decency then active among men.

Military Success of Henry II.

That the great problems we have thus outlined were not more thoroughly dealt with in Henry's time was, perhaps, owing to the incessant pressure of military affairs which drew him from one end of the empire to the other, fighting in turn the northern Slavs, the duchy of Poland, which was gathering all the eastern Slavs into their first great political combination, the Greeks of the Adriatic coast, and the Normans, who had begun their career of Italian conquest and laid the foundation for the strongest state in the whole peninsula. It is a great deal to say in praise of the energy and skill of the emperor that on the whole he maintained the upper hand in all these directions, and, at his death in 1024, left the empire in a more promising condition than ever.

The Imperial Idea fixed in European Politics.

The imperial idea, which may fairly be said to have been on trial up to this time, was now definitely fixed in the political system of Europe. Germany was, without question, the leading power of the continent, and although it would be too much to say that the idea of the empire, as the actual director of all political affairs in Europe, had made any headway whatever, still, it cannot be denied that all nations were willing to grant it a distinct precedence of honor, and were glad to call upon it in any case of need. Especially as regarded Italy the policy of Henry may be counted as a success. During the whole of his reign he was called upon to fight against that tradition of a national Italian kingdom, which we have observed from the days of Charlemagne. It had taken form this time in the putting forward of a Lombard prince, Arduin of Ivrea, as king of Italy, and he had gathered to himself a considerable support from those who hoped to gain something by opposing the empire. It would, however, be an exaggeration to describe this as a real national movement. It had no life in it, and can interest us only as the last effort of the kind until the days of Victor Emmanuel.

CHAPTER VI.

THE EMPIRE AT ITS HEIGHT.

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General Uprising Against the Empire.

THE death of the emperor Henry II, in the year 1024, showed at once how insecure was the hold of the imperial idea outside of Germany itself. Boleslav, duke of Poland, the creator of a great Slavonic state, which had already threatened the very existence of the empire, hastened to take upon himself the name of "king." The Lombard nobles, not yet despairing of the success which Arduin had failed to win, applied to the king of France to become king of Italy as well, and when he declined the offer, persuaded the great duke William of Aquitaine to accept it for his son. The citizens of Pavia, the ancient Lombard capital and the natural centre of Lombard independence, rose in a furious protest against German supremacy and destroyed the imperial castle, which was to them its outward expression. Worst of all, on the western frontier, the two dukes of upper and lower Lorraine were in communication with the king of France about the possibility of a transfer of allegiance to him, and their neighbor, the powerful Eudes, duke of Champagne, was watching his opportunity to assert his hereditary claim to the kingdom of Burgundy, already promised, it is true, to the German emperor, but too valuable a prey thus easily to be let slip from the duke's hands. The great gains in dignity and influence which the empire had made under Henry II seemed to be in mortal peril. That the imperial institution came out of this crisis stronger than ever, and entered upon a new career of the widest usefulness, is the proof that the struggles of the emperors, from Otto I down, against the spirit of factional independence in Germany, had not been in vain.

Opportunity for Free Election.

Henry II died childless, and there was no member of his house who could put forward a family connection as a ground for the succession. There was, therefore, such an opportunity for a real election as had not happened since the choice of the first Conrad.

It will be remembered that in former so-called "elections" the process had been for a leading personage to assure himself of the support of one or two of the chief stems, and then, relying upon this, to persuade or compel the rest to acknowledge his supremacy. The growth of the electoral idea is seen in the changed circumstances of the election of Conrad II. We have, fortunately, a very considerable record of the affair by the biographer of Conrad, and the details which he gives us are in the main confirmed by other writers.

Electoral Conference.

The leaders of the whole nation seem to have grasped, as never before, the idea that every part had an interest in securing an efficient administration of the empire, and that this interest would best be secured by a peaceful deliberation upon the qualifications of this and that candidate. At all events, they came, as never before, in great numbers to a meeting on the borders of the Rhine, between Mainz and Worms. All five stems were represented by their leading men, not yet, so far as we know, by any well-defined process of representation, but only in pursuance of the ancient Germanic principle that every man who carried a sword had a right to speak on matters of the public weal. It is most interesting to see that the grounds of selection chiefly emphasized were the personal qualities of the men, and the prospect that they would be able to meet the demands of the time. Not, for instance, the superiority of one stem over others, or of one family over the whole nation, was insisted upon, but only the promotion of the common good. The spirit of the occasion is well expressed by the story of the action of the two leading candidates themselves. These were two Conrads of the Frankish house, cousins, and descendants, both, of the first Otto. The opinion of the "delegates," as we should call them, seemed about equally

Election of Conrad II. 1024–1039.

divided, when the elder Conrad, going personally to his young cousin, represented to him how much depended upon the unity of the empire, and persuaded him to join with himself in promising that whatever should be the issue of the formal choice, both would unite in enforcing it, or in modern American language, "making it unanimous." The choice fell upon the elder Conrad, a man reminding us far more of the early type of Charlemagne or Otto I, than of the later, more refined, but less practical rulers of the Saxon line. He was a rough soldier, unlearned, but with the clear eye to the main chance that was destined to save him, and the state as well, at many a critical moment.

Conrad and the Polish Monarchy.

Let us notice how the problems of the empire were shaping themselves. The Polish king, Boleslav, died soon after Conrad's accession, but his son Mieczislav plainly determined to maintain in every respect the attitude of his father, declared himself king of Poland, and at once prepared to assert by force his independence of German supremacy. With this object in view he sought the alliance of the powerful Knut, king of Denmark and England, an alliance which would have brought an almost fatal pressure to bear upon the northern and eastern frontiers of the empire. Conrad met this move by a prompt negotiation with Knut, in which, in return for the Mark Schleswig, between Schlei and Eider, he gained a permanent ally of kindred blood, of the same religious faith, and ambitious to take his place as one in the family of great Christian rulers. The later success of Conrad against the Poles was largely due to this bit of clever statesmanship.

Conrad and Lorraine.

On the other side, towards the west, the danger was still greater and more imminent. The critical point here was, as usual, the great district of Lorraine, extending now over the valleys of the Rhine, Maas and Moselle, and held at the moment by two dukes, Frederic and Gozelo. These two had been the only malcontents at the election of Conrad; they had withdrawn from the meeting, and as soon as the election was declared, they became the centre of a conspiracy, similar in most respects to those we have so often met in the times of Otto I and his successors. The difference here was that not merely personal questions of allegiance were involved, but the whole control of Germany over its western lands was at stake. If the Lorrainers could get better terms from the French than from the German kingdom, there was nothing in the traditions of the land or in the principles of the feudal state to prevent such a transfer. In fact, this was attempted. King Robert of France gladly accepted the suggestion that he should occupy Lorraine; Eudes of Champagne promised his assistance if Robert would support him in his scheme upon Burgundy; young Conrad, breaking his campaign promises, joined the league, and the new king's step-son, the famous knight and popular hero, Ernst of Swabia, was ready with his followers to take a hand in any desperate game which promised spoil to the victors. Again Conrad II met this most threatening combination by a master-stroke of policy. While the conspirators were arming, each in his own lands, Conrad went straight at the heart of the matter, marched into lower Lorraine and promised its duke, Gozelo, that if he would stand by Germany, he should, upon the death of Frederic, become ruler of upper Lorraine as well. The desertion of Gozelo left the conspirators without a rallying-point, and, one after the other, they sent in their allegiance to Conrad. Lorraine was saved to the empire, and eight years later the promised union of the two parts actually took place.

Lorraine saved to the Empire.

1025.

1033.

Thus defended in the east and west, Conrad began his preparations for the journey to Rome, not, as had so often been the case, invited by one or another of the Italian powers, but in pursuance of his function as German king, to whom, if he chose to claim it, belonged also now by virtue of a long tradition, the imperial crown. The Italian situation seemed desperate enough. Duke William of Aquitaine, who had accepted the crown of Italy for his son, had just made a journey of inspection into the country and had withdrawn this acceptance, but the temper of the Lombard nobility was distinctly hostile to the imperial party. Once more Conrad was keen enough to see where the clue to his Italian policy must lie. The Lombard clergy, Aribo of Milan at their head, were already beginning to show that spirit of independence of the papal control which was to make them the surest reliance of the empire in the approaching struggle. Conrad, by securing the firm adherence of this party, was able to gain a foothold in the land, and then might safely trust to his sword to make good his claims.

Conrad claims the Imperial Crown as a Right.

The thoroughness of Conrad's work is seen in the fact that he spent a full year in northern Italy in overcoming the Lombard resistance, before starting on his march to Rome. The pope of the hour was John XIX, one of the best illustrations of the utter worldliness into which the papal conception was constantly in danger of falling. We have already seen with what energy and purity of purpose pope Benedict VIII of the Tusculan family had taken up the work of Cluny, the very essence of which was to keep the clergy in all its ranks as far as possible from the ordinary corruptions of civil life. At his death, the Tusculan party, not of itself concerned with any principles, except that of keeping hold of the great prize it had in hand, put forward the brother of Benedict, a layman, whose only preparation for the papal office was the experience he had had as the business man of his brother's

Pope John XIX.

administration. In one day this layman was hurried through all the clerical orders, and, without notable protest, became as much a pope as any had been.

Coronation of Conrad II.

In his foreign policy John XIX saw at once the great advantage of the German alliance. He formally invited Conrad to Rome and crowned him at Easter, 1027, with every circumstance of honor and brilliancy. The splendor of the occasion was enhanced by the presence of two other kings, Rudolf of Burgundy and Knut of Denmark and England, together with an extraordinary delegation of the highest nobility and clergy of Germany, Italy and Burgundy. The usual street row between Romans and Germans was not wanting; it was the perpetually recurring expression of a deep-seated hatred in the Roman populace of foreign intervention, which they were, nevertheless, constantly inviting, and without which they were incapable of existing. A great Lateran Synod, following the coronation, seems not to have attacked the evils of the church with any very considerable energy.

Annexation of Burgundy: its Advantage to the Empire.

By far the most important incident of the reign of Conrad II was the definite incorporation of the kingdom of Burgundy into the empire. We have already noticed the first stages of this process in the time of Henry II. It had been from the first a purely dynastic affair, not resting upon any party within the Burgundian kingdom itself, but plainly one of those political "deals" between kings, which the very nature of the feudal system tended to make easy. The advantage for the empire was evident; the possession of the Burgundian passes into Italy would give it a security it could never enjoy so long as it was restricted to the use of those leading over the eastern Alps. Burgundy would serve the empire as a buffer against France in the south, as

Lorraine did in the north. The resources of this extraordinarily fertile and thickly populated country might prove a great addition to the meagre revenues of the imperial crown.

Resistance in Burgundy.

On the other hand, the resistance of the Burgundian nobility is explained by a very natural dread. They feared lest the coming of a strong hand should bring in a reign of law in place of the feudal looseness by which they thrived. They preferred the nominal sovereignty of a weak native ruler whom they could control, to the doubtful glory of sharing in the administration of a foreign government backed by the resources of Germany. In spite, therefore, of the good will of king Rudolf, the empire had made no headway in Burgundy down to the time of his death. His natural heir was the energetic Eudes of Champagne, perhaps the most powerful vassal of the French crown, whose success in Burgundy would have meant not merely his personal advantage, but, probably, the definite turning of the land toward France rather than toward Germany.

Overcome by Conrad's Energy.

As soon as Rudolf was gone, Eudes marched his followers into Burgundy to take possession of the country, and, in the Romanic portions, found a tolerable degree of support, while the Germanic districts, now the western parts of Switzerland, showed more inclination towards the empire. Once more Conrad was equal to the occasion. King Robert of France had died a few months before, and his son, Henry I, dependent, as was every feudal monarch, upon the good will of his great vassals, could not afford to neglect any opportunity to strengthen himself by a useful alliance. Conrad offered him the friendship of the empire, and proposed a marriage between his little daughter and the son of the French king. By this stroke he secured himself for the moment against a combination of Eudes with the French crown, and, instead of putting his strength into a Burgundian campaign, turned the weight of his forces against Champagne. Eudes, whose troops were occupied in Burgundy, seeing his inheritance on the verge of ruin, hastened to make terms, and, in return for assurances of safety at home, gave up forever his claims upon the Burgundian succession.

Burgundy incorporated. 1032.

Thus, by a brilliant combination of diplomacy and military skill, was completed a policy, which for a quarter of a century had been one of the chief objects of imperial ambition. Henceforth, for about two hundred years the fortunes of Burgundy, both in its northern and its southern portions, are bound up with those of Germany. A separate chancellorship for Burgundian affairs was established and was usually in the hands of the archbishop of Trèves, as that for Italy was usually in those of the archbishop of Cologne. It must be remembered that all this time there was another Burgundy, the duchy, lying to the northwest of the kingdom, and already permanently connected with the crown of France as one of its great feudatory possessions. It is further worth noticing that by this conquest of Burgundy the empire was brought into still closer relations with the great ascetic movement of Cluny, and was able to aid in its extension.

Conrad and Religious Questions.

So long as Conrad lived, this aid was rather negative than positive. His interest in religious matters seems to have been a purely political one, not even, as had been the case with Henry II, mingled with profound personal piety. Conrad plainly felt himself head of the state in church relations, and the appointment of bishops goes on under him without question. Upon the death of the restless Heribert of Mainz, he carried through, in the face of all opposition, the appointment of a quiet and unambitious monk, who promised to give him no trouble with inordinate claims for his see. It is at this time that the chancellorship for Italy passes out of the hands of Mainz into those of Cologne where it was to remain permanently.

Conflict of Elective with Hereditary Principle.

The fact is that the greater part of Conrad's reign was occupied with schemes for making the kingdom hereditary in his house as a make-weight against the principle of inheritance of fiefs, by which the members of the state were becoming far more fixed in their political positions than was the sovereign whom they nominally served. The experience of the world since then is the proof how idle these efforts were; and one might have thought that a glance westward would have been enough to convince the warmest advocates of an hereditary monarchy. Precisely as the idea of inheritance gained ground in France, the power of the great vassals grew also. Nothing could be more welcome to them than a weak king, and the chances of getting such a weakling were far better if they trusted to inheritance, than if they allowed the election to fall, as it might well do, upon the fittest man. Probably the greatest blessing for Germany was that Conrad's plan did not quite succeed, though it did bring the house of Franconia for four generations upon the throne. The miseries of a long minority in the third of these generations were a sufficient lesson.

Conrad's Theory of Balance of Classes

We have already seen how, in the time of Otto I, the attempt was made to bring the great stem-duchies into the family of the king, and how this effort was defeated by the loyalty of the stems to their ancient local traditions. The same attempt was now made by Conrad II. He promised the great vassals of the crown that their fiefs should be hereditary on condition that they would guarantee the same privilege to their own vassals. Two important ends were doubtless held in view in this measure: it tended to secure to the king the loyalty of the great mass of fighting men and also to do away with one of the chief causes of the incessant private warfare, which was the curse of the period. It seemed to offer to the lower man the reasonable prospect of a strict administration of the royal justice towards the great vassals who were likely to oppress him. But, plainly as a return for this favor, Conrad demanded that the royal power too should be recognized as heritable, not, to be sure, by any formal document, an action which would surely have called for resistance, but by the more powerful argument of fact. Whenever the chance came, he took into his own hands the administration of a great duchy and passed it on to his son. Thus, in the course of his reign he succeeded in gaining Bavaria and Swabia for the boy Henry, and Carinthia for his early rival and later firm friend, the younger Conrad, who had no children and whose heir he was. Saxony and Lorraine alone remained in the hands of local powers. The stem-duchy evidently did not enter Conrad's ideas of inheritance in any line but his own. Once more a policy, apparently in the interest of uniformity and peace, ended in raising up infinite causes of future difficulty.

in Germany

The same rivalry of classes, lower with higher, was even more pronounced in northern Italy than in Germany, and was here also the occasion for notable events. The archbishop Aribo of Milan, who had welcomed Conrad on his first Italian journey and crowned him as king of Italy, had become so bold in the assertion of the rights of his see over all Lombardy that he called forth the most violent complaints from the class of the lower nobility, known here as *valvassores*. In making good his claims against them he made use of the upper class of nobles, the great vassals of the bishopric as well as of other lords, who were called the *capitanei*. While Conrad was engaged in

and in Italy.

the policy of strengthening himself with the lower vassals of Germany, the same class in northern Italy had reached the limit of endurance, had risen everywhere against their lords and had forced them to considerable concessions. A common interest drew them to the emperor. He, nothing loth to have so good a cause, came promptly over the Alps, just ten years after his first expedition, summoned Aribo to his tribunal, declared him deposed from his bishopric, and lent his arms to the valvassores in the fight against their oppressors. We have a document known as the feudal constitution of Conrad II. The clauses of this famous document show how completely Conrad was inclined to put the weight of the empire on the side of the lower fighting class as against all comers. He confirms to them the full inheritance of their feudal holdings and their complete independence as regarded their lands in fee. He assures them that their causes shall be decided only in a court of their peers, the "schoeffen" court of the Germans. They shall have the right of appeal to the emperor, and their fiefs shall not be converted into tenures on a money basis.

1037.

Conrad's Feudal Constitution for Italy.

The value of these arrangements was seen at once in the defeat of a notable conspiracy. Aribo of Milan, defeated by the emperor's diplomacy, sought to revive once more the spirit of Lombard independence and to make his cause a national one. He headed a conspiracy to offer the crown of Italy to Eudes of Champagne, to whom this offer seemed to open a brilliant opportunity. Eudes was to overrun Lorraine, the Italians were to get possession of the emperor, and Burgundy, as well as Italy, was to be the prize. Eudes did, in fact, begin his part of the compact, but was defeated and killed in battle through the loyalty of duke Gozelo. Conrad's policy was vindicating itself at every turn.

A Lombard Conspiracy.

At Rome, the coming of Conrad was the signal for the outbreak of popular movements quite similar to those in the North. Here, also, we have a document, in which the noteworthy incident is the confirmation to the Romans of their right to be tried in all cases by the Roman law. We have here, doubtless, an effort to free the Roman inhabitants of the Roman state from the weight of legal burdens which had been imposed upon them by their Lombard rulers of a few generations previous. How far Conrad II was from taking any large view of his mission as director, not to say reformer, of the universal church, may be gathered from his dealings with the papacy at this time. Never before had the papal institution been in a more scandalous condition. John XIX had been bad enough, but at his death the Tusculan party, which had put him in office, outdid itself by putting forward another member of its house, a boy of ten years, already, if we may believe the record, a little monster of iniquity, and getting him accepted as pope. There is no evidence that this arrangement seemed to Conrad worthy of notice in any way. He confirmed the appointment, and, so far as we can see, his legislative work in Rome was with the special object of strengthening the papal administration.

Conrad's Roman Legislation.

Pope Benedict IX.

The very sudden death of Conrad II in the second year after his return from Italy, prevented any further development of the idea of a strongly centralized empire as it seems to have existed in his mind, but there was no organized opposition to his theory of the succession, and all parties united in supporting his son Henry, already crowned as king of Germany. Indeed, if we may believe the annals of Hildesheim, there was no one in the empire to mourn the loss of Conrad, so general was the expectation of good things from the son. In direct

Education of Henry III.

contrast with his father, who belongs in the series of hard fighters who had made the new empire, Henry had grown up to man's estate under the influence of the best education the age afforded. His training had been distinctly a learned one. His mother, Gisela of Swabia, a niece of king Rudolf of Burgundy, had brought him under the care of men who represented the riper culture of these southwestern lands, a culture which naturally partook largely of the clerical character. We are still well within the times when no man could be learned in books without the aid of the clergy, nor could a prince brought up under these influences fail to be impressed very early with the immense importance of the church establishment.

Clerical Character of Henry's Reign.

It will not, therefore, surprise us that the chief interest of the reign of Henry III lies in his relations with the clerical powers, as that of his father lay in its single devotion to political advantage. It is under Henry that we may begin to distinguish with perfect clearness the outlines of the great mediaeval conflict. We are once more carried back a hundred years, to the days of Otto I, but only to be reminded how immensely the situation of the empire had gained in prestige and in practical opportunity.

Henry's Opportunity.

Never had so wide a field of influence opened out before a German king. The fruits of the clever policy of Conrad II were being gathered on every side. In the east, the great Polish monarchy had suffered the fate of every Slavonic state, and was rapidly falling to pieces for lack of a principle of unity within itself. Against it was rising into power the new Christian-Slavonic state of Bohemia, which was naturally drawn towards Germany for support. In Hungary there were two parties, a heathen and a Christian, struggling for the mastery; and here, too, the Christian interest sought its ally most naturally in the nearest and greatest of the western powers.

In the North, the overgrown power of Denmark was checked by the death of Knut and the failure of his successors to hold together the great empire he had founded. The combination of England with the North was thus averted, and within a generation the Norman conquest had definitely determined that the political future of England was to be connected with France rather than with any other European power. In the West the royal power of France was hopelessly struggling against the great development of the feudal nobility, incapable of any vigorous policy. The same Norman conquest, carried out by a subject of the French crown, was to be the severest blow yet struck at the integrity of the Capetian kingdom.

Denmark.

France.

In the South, there was no power in sight that could for a moment oppose the progress of the imperial arms. Through the vigor of Conrad's treatment, the great masses of fighting men in Lombardy and farther southward were for the moment secured to the imperial as against any conceivable local allegiance. The papacy was wholly out of the question, lost for the time as a factor in European life by its subjection to a local faction.

Italy.

Equally flattering with this outward situation were the prospects for strength and progress within. The new king was himself duke in Franconia, Swabia and Bavaria. Carinthia, where duke Conrad had lately died, was left without a head during a considerable period, and so general was the acquiescence of all parties in this order of things that not even the change of rulers could call forth resistance. In Lorraine and Saxony alone were there still active centres of local

Strength of the Empire within.

allegiance. Not even the reign of the great Otto himself had begun under more favorable auspices.

Development of Bohemia.

The first problem of the young emperor was, naturally, to secure himself along the eastern frontier. The course of things here during the preceding two generations had been that instead of the scattered tribes which had continually worried the border from Charlemagne's time, there had been growing up great confederations of Slavs, of which the Polish had come to overshadow all the rest. Christianity had done something here, but nothing lasting. The bishopric of Posen, established in 968, had marked only an outward triumph of the cross, and in the general break-up which followed the death of the first great Polish king, Boleslav, the heathen influence had again risen into the ascendant. This was the opportunity for Bohemia, and the duke of the moment, Bretislaw, was the man to grasp it. His policy was to follow the same principle which had given so great an impulse to the Polish and to the Hungarian peoples, namely, to make Christianity the rallying-cry of a new nation. Outwardly, his aim was to elevate Prague to be, not only the capital of his kingdom, but also an independent centre of church authority.

Prague as Capital and Archbishopric.

The erection of a new archbishopric for Bohemia was, however, a direct attack upon the prerogatives of Mainz, and could not be suffered to take place without a struggle. Nothing could so greatly recommend this ambition of Bretislaw as the possession of a first-rate saint, and no saint had a higher claim to the reverence of the Bohemian people than the martyr Adalbert, the friend of Otto III, whose bones, treasured at Posen, were the most precious possession of Christian Poland. In Bretislaw's first campaign into Poland, in 1040, this capture was the prime object, and was successful beyond expectation. Under the impulse of so great an advantage, he put himself at once in communication with Rome, and demanded the elevation of his capital to the rank of Metropolis of all the Slavonic lands. Probably he negotiated at the same time for his own recognition as king of Bohemia in a vassalage, more or less well defined, to the Roman see.

Opposition from Germany.

So far as Rome was concerned, the establishment of an independent Bohemian state, with an ecclesiastical head of its own, in direct dependence upon the papacy, might well seem a considerable advantage, especially as the spoils of conquered Poland were on hand to pay for the privilege; but to the young and ambitious king of Germany, as well as to the chief ecclesiastics of his kingdom, the attempt could only appear as an infringement upon old and well-established rights. He determined at once upon war.

Obstinate Resistance of Bohemia.

The vigor of the new Bohemian movement is seen in the powerful resistance offered to the first assault of Henry. Two German armies, sent at the same time by different roads into the country, were totally defeated and driven back with immense loss. The national character of the uprising is seen in the new legislation by which Bretislaw marked his accession to power. Plainly, the sense of unity in Bohemia had never been appealed to as now. The only question to be determined was, whether this unity could best be secured by resistance to Germany or by an honorable alliance with it.

This question was settled for a long time to come by the events of the next year. Henry repeated his attack on the same lines, but with a stronger force, and this time carried all before him. Bretislaw, defeated at every point, hastened to send in his submission, even offering his land as the property of the German king. According to good feudal custom, the land was returned to him on condition of homage and the payment of a yearly tribute. The establishment of an archbishopric in Prague was indefinitely postponed, — indeed, the bishop of that place had been the first to perceive the hopeless character of the war against Germany, and had deserted his master to make terms with the invaders. The acquisition of Bohemia as an integral part of the empire was an event second in importance only to that of Burgundy. Though its inhabitants were of an alien stock, there was from this time forth always a large party among them which perceived in the German connection the hope of national progress. The advantage to Germany was, that as long as this connection could be maintained, it could always depend upon having a solid backing against other Slavonic combinations. With many ups and downs, Bohemia remains from this time in the relation into which it now enters, and, within a few generations, takes its place as one of those seven powers, supreme above the rest, by whom the election of the German king is to be decided.

Value of Bohemia to the Empire.

The downfall of Poland carried with it the best support of the new Christian state in Hungary. The first Christian king, Stephen, had died in the year 1038 and had been succeeded by his nephew Peter, son of an Italian father, and not too acceptable a ruler, even to the Christian elements of the population. His accession was the signal for the revival of the ancient Hungarian heathenism, under the inspiration of which the great achievements of the race, only two generations before, had been carried out. A leader, Aba or Ovo by name, was put forward and the old raiding instinct of the Hungarians was appealed to once more.

Heathen Reaction in Hungary.

In the year 1042 a triple stream of fighting men poured westward along the familiar paths on both sides of the

Danube, and southward into the duchy of Carinthia. One of these troops gained a considerable advantage, but the fate of the other two showed how well the establishment of the mark system had justified itself. The assault on the left bank of the Danube was met by the markgraf Luitpold of Babenberg, that into Carinthia by markgraf Gottfried, and in both cases the invading swarm was driven back with great loss. Meanwhile the young king, supported faithfully by Bretislaw of Bohemia, had gathered an imperial army, and, marching with great promptness along the left bank of the Danube, had carried the war into Hungary. His victory seemed complete, and he returned to Germany, leaving a considerable force to maintain order. Within a few months Aba was again in possession of the country and sought the friendship of Henry, promising to give up the whole western part of Hungary to Germany and to do homage as the man of the German king.

Hungarian Raids into Bavaria and Carinthia.

These promises were almost immediately broken, and Henry, to whom the interest of religion appealed quite as much as that of policy, called upon his army to reinstate the banished Christian king Peter by force of arms. This time it came to a pitched battle at Menfoe, near the river Raab, in which the German arms were completely victorious. Peter, restored to his throne and supported by the Christian party, appeared the year following before the king, and, in the presence of the full court, delivered the kingdom into his hands and received it back again as his vassal.

Hungary a Vassal State of Germany.

1045.

Already a similar revival had been going on in Poland. A representative of the fallen house had attached himself to the German interest and had been allowed to risk life and fortune in a desperate attempt to restore Christianity and an orderly administration to the country. The attempt succeeded beyond expectation, and, although the monarchy was not revived, Poland, with diminished territory, but more actual unity, became again a centre of Christian and Germanic influence among the Slavs. Here, too, Henry III gained a vassal state.

Christianity and German Allegiance in Poland.

Thus, within the first six years of his reign, the young king had succeeded in making the kingdom strong along the whole line of the eastern frontier as it had not been for many years, and could now turn his attention with more security to the western and southern parts of his empire. The question of Lorraine was, as it has always been, one of extreme difficulty, but involved only personal and dynastic considerations, so that we need refer to it only to suggest a connection which was destined to be of European importance. Godfrey, the son of that Gozelo of lower Lorraine to whom king Conrad II had given also upper Lorraine, proved himself a thorn in the side of Henry during the greater part of his reign, — a restless, ambitious and capable man. Defeated in his ambitions in Lorraine, he turned his plots in another direction, and married, in 1054, Beatrice, widow of markgraf Boniface of Tuscany, herself a Lorrainer by birth. This Beatrice, already famous as a supporter of the Roman church, was the mother of a still more famous daughter, Matilda, "the great countess," who is one of the central figures in the Hildebrandine drama of the next generation. Matilda married the son of Godfrey, of the same name, and thus the fortunes of two great territories, widely separated, but each of decisive importance for the imperial policy, were bound together by a double tie.

Henry III and the French Border.

Tuscany and Lorraine.

As to the Burgundian acquisition, that gave no further trouble. The nobility of the land sent an embassy to the young king at Ingelheim and assured him of their allegiance. It was, doubtless, this Burgundian connection that led Henry, upon the death of his first wife, to seek a new alliance in southern France. This was, moreover, in pursuance of the same policy which had caused Conrad II to propose a marriage between his daughter and a son of the French king, only that the connection here was with a vassal house far stronger and more influential than that of the Capetians. Agnes of Poitiers was the daughter of that duke William of Aquitaine, who had declined to take the crown of Italy for his son in opposition to the imperial policy. She represented not only the riper culture of southern France, but also that religious movement of which the neighboring Cluny, a foundation of her family, was the centre. Severe critics saw in this marriage a dangerous lowering of the moral standards which had kept the simple folk of Germany free from the perilous charms of the art and color-loving peoples of the south, but Henry, as if to set such doubts at rest, turned all the troop of jugglers, jesters, and other artists, who had followed the royal wedding, away from his doors unrewarded and neglected.

French Marriage of Henry III.

Yet this southern connection marks the beginning of the king's interest in a moral movement, to which we have already alluded, the "Truce of God." Thus far the influence of this extraordinary effort had been confined to France and Burgundy. It had met with great resistance, but had on the whole made a very remarkable progress, and had commended itself to the more order-loving portions of the population. It is usually spoken of as a religious movement, and, doubtless, it rested its appeal mainly upon religious grounds, but we have also to consider that it was supported by the same set of ideas which were leading, in precisely these lands, to a

Henry III and the Public Peace.

pretty general abandonment of the early tribal traditions of the Germanic peoples, and substituting for them the more formal written codes of the Roman Law. In the very year of his marriage, we find Henry, at an assembly of the princes and clergy of Swabia at Constance, after first declaring his own forgiveness of all his enemies, calling upon the princes of the land to follow his example, and to promise for the future to abstain from private quarrels and to seek for justice in the public courts. It seems that he actually succeeded in getting this promise from most of the Swabian nobility, and in the year following made a similar attempt in Lorraine, but here, as in France, we are by no means to suppose that the object sought was in any great degree attained. It was, so far as Germany was concerned, only the earliest of the numerous proclamations of the "Landfrieden," the Peace of the country, by which the kings sought to express their right to enforce order and justice, and their determination to do so. Whether such proclamations were anything but expressions of good intention depended upon the support of the very kind of persons whose liberties were to be restrained, For the moment there was no motive so powerful as a religious one; and such sudden leaps from extremes of violence to extremes of penitence and self-degrading promises for the future, belong to the character of the age we are trying to describe.

Henry III and the Reforms of Cluny.

Under the impulse of these same motives, we find Henry joining hands with the congregation of Cluny in the great work of church reform. In the year 1044 he held a general assembly of the German clergy and gave utterance to sentiments so remarkable that we cannot help doubting the entire accuracy of the report. According to this account Henry charged the whole clergy of his country with having bought their offices, and, worse yet, heaped reproaches upon his own father for having besmirched his hands with the sale of clerical positions. This offense was the most direct form of that evil to which we have already referred in speaking of the programme of Cluny, under the name of "simony." The origin of this name is connected with the story in the Acts of the Apostles of the magician Simon, who came and asked that he might receive the gift of the Holy Spirit, offering to pay for it with money. The answer of the Apostle Peter had expressed the opinion of the church from that day forth. "Thy money perish with thee because thou has thought that the gift of God may be purchased with money." As the idea of the priesthood had developed, this "gift of God" had come to mean the priestly function, and the offense of which the innocent magician had, in the apostle's eyes, been guilty, had taken the form of all attempts to get into the offices of the church by means of payment in any kind. At first, as the office of priest had been but little distinguished from that of the layman, the motive for any such effort had been slight. The function of the priest was rather a burden, perhaps, than a distinction. But, as the priesthood had come to be separated from the laity, especially as the offices of the church had become endowed with large and fixed incomes, the desire to get possession of them had grown and had become dangerous to the welfare of the community. Social consideration too had been added to the other perilous attractions of the priesthood, and it had become the interest of great families to hold the chief ecclesiastical places in their own hands. The feudal principle had then come in to further still more the worldly aspect of clerical life. The great bishoprics and abbacies had long since become centres of immense landed estates, worked by hundreds and thousands of servile or half-servile laborers, and bound to furnish to the state the same kind of

Definition of "Simony."

Motives of Simony.

military or other service which was furnished by any other land-holding person or corporation.

Increased by the Feudal Relation.

The management of such great economic and political interests called for other capacities than those of the simple minister of the Gospel. The great ecclesiastic had, by the time of Henry III, come to be a prince, and since the clerical positions were always purely elective, the death of any such prelate was always the signal for electioneering on a large scale. We have already seen how the kings of Germany had planned systematically to make the great bishoprics and abbacies a political balance against the overgrown power of the feudal nobility. Nothing was more important to them than to fill these positions with men who should take their side in the conflicts which were certain to arise between the royal power and the local interests of the kingdom. In making these appointments the temptation to demand terms on the one hand and to go far in meeting the demand on the other was very great indeed. Down to Henry's time the accusations of bribery and corruption had been frequent and probably well-founded. The king's treasury was always empty; the church lands were the richest and the best managed in the country; a candidate, supported by the interest of some great family, could afford to offer extremely good terms to the king, with a reasonable certainty that he could pay himself well out of the future income of his diocese.

Effects of Simony upon the Clergy.

It was too much to expect that clerical positions thus obtained would be administered in anything but a worldly spirit. The thoughts of a man put into office in this way would certainly be quite as much upon the aggrandizement of his see, its relations with the other great feudal powers and the advantage of his house, as upon the purely spiritual interests committed to his care. Furthermore, the worldly point of view was sure to extend itself downward from the head to the members, and affect profoundly the relation of the superior to the whole body of his inferior clergy. If he had gained his place by bribery, his natural course would be to sell his own influence in filling these lower positions.

Its Effects upon Society in General.

Thus, if we may believe the writers of the time, whose evidence is supported by the witness of friends and enemies alike, the whole body of the church from top to bottom was infected with this disease of "simony." Kings sold bishoprics and abbacies; bishops and abbots sold the lower places within their control, and so that element of the nation which ought to have held it up to higher standards of right was dragging it down into utter worldliness. It requires no special enthusiasm for the clerical life to see that, as European society was in the eleventh century, this was an evil of the first magnitude. If society could not be held in check by the clergy it could not be so held at all. The historian cannot fail to see in the great work of the reform party, under the leadership of Cluny, an actual blessing of the time. However little he may sympathize abstractly with its methods, he must recognize the greatness of the evil and the admirable fitness of those methods to meet it.

The Attack of Cluny upon Simony.

The very first demand of the Cluny party was for the canonical election of the clergy. By this was meant a return to what had always been, in theory, the only proper way to appoint the clergy, namely, through the action of the "clergy and people" of the diocese, in the case of the secular clergy, and by the members of the order in the case of the regulars. Down to Henry's time, though the order of Cluny had been for three generations actively at work, its influence had been confined chiefly to France and Burgundy. It had been opposed there by the highest clergy, but had succeeded in gaining a foothold through the silent agencies of its own houses, and had found among the French people as a whole a wide and quick response to its demands.

Slight Influence in Germany.

In Germany there had been, so far as we can see, but little interest in this movement. The connection of the great bishoprics with the political interests of the crown, and of the local centres as well, had been too close to admit of any far-reaching spiritual opposition to it. The king had needed the bishops and they had needed him; it had been a fair trade, and no serious thoughts of wrong had disturbed the consciences on either side. It was a case of "practical politics." Now, however, with the coming of Henry III, a man educated in the learning of the church, and connecting himself at once by his marriage with the very centre of the strict monastic ideas of clerical life, the change begins.

Henry's Action in Regard to the Reform.

The assembly of 1044 is the opening shot in a campaign which was to last, in its original form, for a hundred years, and was to be continued, through other phases, for generations afterward. However the reports about Henry may have been colored by monkish zeal, there is no doubt that he was seriously impressed with the evils of the clerical life, and was disposed to attack them by striking at the root of simony. On the other hand, there is equally no doubt that he held on to the precious privilege of dictating the appointment of the higher clergy with the same tenacity that had been shown by his pious predecessor, Henry II, and his not over-pious father, Conrad II. The only difference was that he proposed while keeping this function, to do it with clean hands. Obviously, it would be more to the advantage of the crown to have at its service a virtuous and spiritually-minded clergy than a worldly and corrupt one.

The Cluny Reform in its Relation to Rome.

The decisive character was to be given to the reform movement by its connection with Rome. We have seen how, from its earliest moment, the abbots of Cluny had turned their attention to Rome and had found a reception varying greatly with the character of the party which for the time had the upper hand there. To say that the papacy, as such, had taken up the reform with any determination or consistency, would be a gross exaggeration. The papacy was itself too much in need of a reform from the bottom upward to act with effect in any great universal cause. The only instance of vigorous support is in the time of Benedict VIII and Henry II, and how feeble and short-lived that effort was we have already seen.

The Papacy under Tusculan Control.

After Benedict VIII the papacy falls to a point lower, perhaps, than ever before. At all events, the Christian world had never yet been treated to the spectacle of the supreme bishopric held by three occupants at once, and that was the point towards which events were tending. The special scandal of the election of John XIX had been that he was a mere layman, chosen pope in order that the administration of the city which he had held in his hand during the papacy of his brother, Benedict VIII, might not go out of the family. This election simply made perfectly clear that the office of pope was being treated as a purely worldly function, so far, certainly, as the affairs of Rome were concerned. The same policy prevailed on John's death. The Tusculan family put forward this time not merely a layman, but a child of ten years, and this arrangement does not seem to have caused any concern whatever to the emperor Conrad. During the nine remaining years of his life we find no indication that he felt himself called upon to remedy the ills of which the well-

Benedict IX. 1033–1044.

disposed, both within and without the papal circle, were beginning to complain.

Benedict IX driven from the Papacy.

In fact, if this Benedict had been morally a decent person, it seems quite possible that the real scandal of the situation, the union of political and spiritual functions in the papacy, might not have aroused serious opposition. Fortunately, however, for the cause of reform, the youth was unable to resist the temptations of his position, and soon fell a prey to the wildest excesses. The Romans of that day could stand a good deal, but when it came to a rumor that the mad fellow was actually making negotiations for a wife, whom he proposed to set up in the sacred Lateran, the town rose in revolt and drove him from his place. The neighboring bishop of Sabinum secured some sort of election to the papacy as Sylvester III, "not with empty hand," and maintained himself for a few weeks. The Tusculan party brought Benedict back by force and reinstated him in power; but, by this time, even he seems to have had enough of it. A third party appears on the scene and puts forward as candidate a very worthy, pious and learned presbyter of the Roman church, to whom, after some negotiation, Benedict agrees to sell out the papacy for a large sum in cash. The singular thing about this whole transaction is that the party which carried out this outrageous act of simony appears at once in connection with the Cluny reform. Gregory VI was the intimate friend of the abbot Odilo, and was hailed by Peter Damiani, the most vigorous supporter of the reform movement in Italy, as the saviour of the church. One is again tempted to doubt the testimony of the sources, though it is, we believe, uncontradicted. The most striking witness to the actual position of Gregory VI is the fact that he had for his private chaplain and adviser the man who

Benedict sells out to Gregory VI.

was destined to give his name to the whole great conflict, the monk Hildebrand.

The Call to Henry III.

Again we are reminded of the situation in the time of Otto I, — a papacy in the control of local factions, forgetting its universal character in the wild struggles of partisan warfare; an empire full of fresh and vigorous life, strong without and within, feeling itself called upon by its very nature to bring back the papacy to those universal ideas which were the only true reason for its being. It did not need the exhortations of the Roman archdeacon, who, according to one account, summoned the clergy of Rome together, protested bitterly against the unheard-of scandal of the situation, and then hastened over the Alps to persuade the king and his followers to come down and set it right. The very theory of the empire made it the duty of him who aspired to be its head to see to it above all things else that the church be sound in head and members.

Henry's First Italian Expedition.

The real question was, with what interest of the clerical life would the young king ally himself? As to this, the whole tendency of Henry's education and his relations hitherto pointed distinctly to the strict Cluny party as the one from which he would expect the hope of the church to arise. On the other hand, there was every reason to expect that Henry would have the clearest opinions as to the rights of his national church, and would not be inclined to sacrifice these to any purely clerical considerations. Henry's descent into Italy in the month of October, 1046, was entirely without resistance. At Pavia he held a well-attended synod, at which the great question of simony was doubtless considered, but we have no precise information about it.

At Sutri, on the borders of the *Patrimonium Petri*, Henry halted and summoned before another synod the three claimants to the see of Peter. Gregory VI had already joined the following of the king and was allowed to preside, for form's sake, at the assembly. Sylvester III also presented himself, and was the first to be tried. The synod declared that on account of his simoniacal deeds he should be stripped of his priestly dignity and end his days in a monastery. Then Gregory, called upon to explain his own conduct, declared himself guilty of simony, but excused himself by the sincerity of his good intentions. The synod voted that he should himself decide his own fate. Thereupon he declared himself unworthy of the papacy, and calling upon the synod to endorse this decision, he stepped down from his seat and tore in pieces the garments of his office.

The Synod at Sutri. 1046.

Benedict IX had not answered the summons of Henry, and had meanwhile repented of his bargain with Gregory and once more taken upon himself the papal functions. The synod decided that it could not act in his case and the royal party moved on into the city of Rome. There, in St. Peter's church, another synod was held, and Benedict, still refusing to present himself, was declared deposed. Thus, without resistance and under the forms of canonical law, the three claimants were disposed of.

Deposition of Benedict IX.

The next question was one of even greater difficulty: from what source was the new life of the papacy to be drawn? It was the same question which had faced the Ottos, and it was answered in the same way. Rome had shown herself incapable of supplying the material for a decent and effective administration of the papacy in its universal character; the popes of the immediate future must be sought beyond the Alps. Rumor had it later that the king at first offered the papacy to the ambitious archbishop of Hamburg-Bremen, the after-

Election of a German Pope.

ward famous Adalbert, and only on his declining, proposed a second candidate, also a Saxon by birth, the bishop Suidger of Bamberg. The first act of the new pope, after his peaceful inauguration, was to crown Henry and Agnes as Roman emperor and empress. At the same time the emperor received from "the Romans," and placed upon his own head, the golden band, by which the dignity of *Patricius*, and with this the right of naming the pope, was thought, at least by the imperial party, to be conferred.

Suidger of Bamberg as Pope Clemens II.

As we come into the time of the conflict between church and state, towards which our narrative has long been tending, the questions of constitutional right on the one side and the other become of increasing interest; but at the same time we have to bear constantly in mind the difficulty of getting accurate information. The more interesting the point under discussion the more certainly shall we be misled by the partisan accounts that have come down to us. The whole literature of the next generation is affected by the bitter party question that lay at the root of all political movements. The characters of the leading personages, the precise nature of the grounds on which their claims rested, the very wording of the papal and imperial documents, all are shrouded in a mist of uncertainty which it is the business of the historian, so far as he can, to penetrate, but which often defies his best efforts.

Uncertainty of our Sources.

So long as Henry III lived, that is for ten years after the council of Sutri, the pressure of the imperial power was strong enough to keep the appointment of popes practically in the emperor's hands. During this interval four popes, all Germans by birth and previous connection, filled the chair of Peter. Clement II ruled a little less than one year, Damasus II (Poppo of Brixen), twenty-three days, Leo IX (Bruno of Toul) about

The Series of German Popes.

six years, and Victor II (Gebhart of Eichstedt) just over two years, his pontificate extending about a year after the death of Henry. The interest of this whole period is in noticing how resistlessly the logic of events was raising up against the imperial idea the very force which seemed to owe its whole life to the imperial support.

The Policy of the German Papacy.

The shortness of most of these administrations prevents us from having any clear view of a policy running through them. Only in the case of Leo IX are we able to discern, clearly outlining themselves, the principles of the Hildebrandine papacy. It is wonderful to see how, man after man, these nominees of the imperial party, as soon as they feel the influence of the great papal tradition, are swept away by it and carried over into combinations which only needed the skillful engineering of a great politician to become fatal to the power which had raised these popes from obscurity.

Leo IX. 1049-1054.

The career of Leo IX will best illustrate this inevitable tendency. Bruno of Toul was a member of a noble Alsatian house, allied to the Franconian emperors by family ties and known as a vigorous advocate of the stricter ideas of the clerical life. When offered the papacy by Henry III he at first declined it, probably with more sincerity than we can usually attribute to such action, since he accepted it only on condition that the selection of the emperor should be confirmed by the free choice of the Roman people. There is no indication that his German predecessors had troubled themselves in the least about this confirmation. Leo seems clearly to have perceived that a pope made by an emperor was at a disadvantage in case of a possible difference with his master. He saw the value of the imperial *support* and at the same time the danger of imperial *control*. On his way to Rome he visited the monastery of Cluny; and the appearance of Hildebrand as his right hand man from the first moment of his arrival in Rome makes it probable that he took the monk with him from Cluny. Indeed, a later tradition would have it that Leo was throughout only the puppet of Hildebrand; but there seems reason enough to believe that he was nobody's tool, but rather a man fully alive to the whole meaning of the situation.

Leo IX elected by the Romans.

On his arrival at Rome Bruno presented himself to the splendid escort that had come out to receive him, in the dress of a pilgrim, with bare feet, and followed them thus into the city. His election was unanimous, and the manner of it seemed to remove for the time the hostility of those who dreaded the overgrown power of the empire.

His Conception of the Papacy.

From the first moment of his administration, Leo grasped the problem of the papacy as a universal one. He felt himself plainly commissioned to take up that view of its mission which had inspired the policy of Nicholas I, and had hardly had a worthy representative since his day. In this view it was not merely the duty of the pope to sit still and hear complaints, but to go out into all the Christian world and wherever there was a wrong, to right it. He threw himself heart and soul into the fight against the all-pervading evil of a worldly priesthood, determined to make his own standards those of the whole church.

Leo IX in France.

Hardly had he taken the time to make the most necessary arrangements for the papal administration at Rome, when he set out for France, announcing his determination to hold a general synod of the French clergy and to take strong measures against the vice of simony. This determination was far from being welcome to the strict national party among the French clergy. The precious "Gallican liberty" seemed threatened by this all too thorough-going conception of the papal duty. It was a hundred years since a pope had been seen in France, and meanwhile the national clergy had thriven on its independence. The king, Henry I, made at first some show of spirit and did what he could to impede the papal plans, but was persuaded to withdraw his opposition. The call for a synod at Rheims met with little enthusiasm. On the appointed day only one archbishop and very few, perhaps a sixth part, of the bishops of France appeared. On the other hand the great abbacies were largely represented. The ancient antagonism of regular and secular, increased by the hostility of the episcopacy to the Cluny movement, is here apparent. The action of Leo IX at Rheims gives the key-note of his whole pontificate. In spite of the indifference of the French clergy, he carried the synod through with the same energy as if he had had its warmest support. His first business was to summon all the bishops who had not appeared to give account of themselves, and when this was not done, to declare them excommunicated.

Papal Synod at Rheims.

Leo's Attack upon Simony.

On the question of simony a test case was made of the very bishop of Rheims himself. He was called upon to declare how he had obtained his office, and, after much stammering and long consultation with his friends, declared his innocence. The bishop of Langres, a well-known simoniac, rather than stand inquiry, escaped from the city. Two other bishops who had been put in office through money, but without their own knowledge, were declared innocent. The whole espiscopate of Brittany, charged not only with simony, but with the crime of wanting an archbishop of their own instead of being subject to that of Tours, were ordered to present themselves at Rome to receive the judgment of the pope.

Effect of the Synod of Rheims.

The closely related reform in the clerical life, which was to be the second article in the Cluny programme — the celibacy of the secular clergy — was, so far as we know, not touched upon by Leo at Rheims. The third article, the sole right of the pope to "invest" the bishops of all Christendom with the insignia of office, was barely mentioned, but not pushed. At the same time Leo made distinct his claim to be considered the sole supreme authority in the church, and specifically attacked a Spanish bishop for daring to take upon himself the title of *Apostolicus*. The singular thing about this demonstration of the papacy in France is that though it had been in direct opposition to the will of the government and the national church, yet its action was, on the whole, respected. From one and another of the persons directly attacked we find resistance or indifference, but almost all of them were led, sooner or later, to take account of the papal disapproval, and to seek some way or other of getting around it. In one French bishopric, on the occurrence of a vacancy, the pope sent a man of his own, without consultation with any one, to fill it, and we have no reason to believe that there was any great opposition to such an action. The explanation is undoubtedly that there was no machinery of resistance, and so little sense of a common interest, that no one of the parties involved could find support among the rest. One is tempted to believe that if Leo had pushed his work with the whole energy of his character, he might have made the kingdom of France wholly subject to papal dictation.

That this was not done is probably due to the multitude of other interests which were pressing upon this first of the reforming popes.

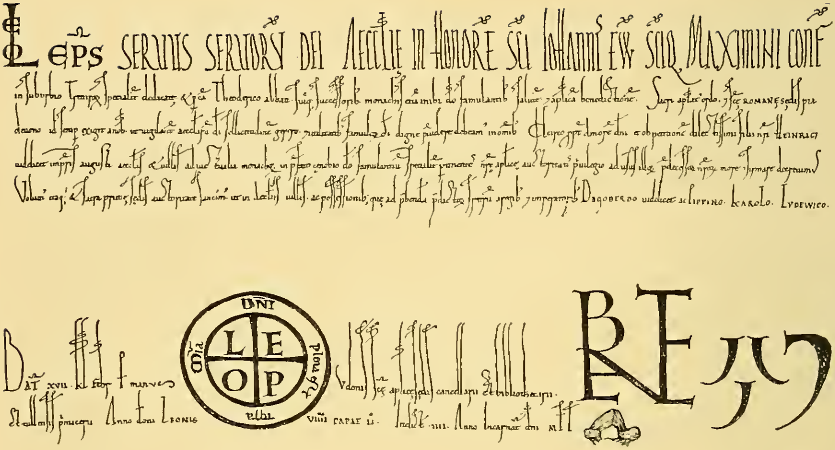
From Rheims Leo passed over into Germany and summoned the clergy of that kingdom to meet him at Mainz. The response here was vastly more satisfactory than in France. The emperor gave the weight of his presence, and all the great archbishops and a majority of the episcopate were on hand. Leo's attitude was distinctly more conciliatory than at Rheims. The same general principles were proclaimed, but the individual cases of discipline were more plainly cases of moral than of ecclesiastical fault. The sense of obligation to the empire for its service to the papacy was too recent to admit of any direct opposition. Yet it must have begun to dawn upon so clever and so vigorous a ruler as Henry III that a moment might come when this power which he had raised up would feel itself strong enough to forget all obligations and turn against its best supporter.

German Synod at Mainz.

Returned to Rome, Leo sent out a general summons to all whose cases he had not settled on his journey to present themselves before another synod at Rome. This assembly also was well attended, mainly, of course, by Italian prelates, and its action was wholly in the line of the northern precedents. The identification of the papacy with the reform movement was complete. It only remained to throw off all dependence upon the empire, to make the papal action wholly without limitations. The restless activity of Leo carried him incessantly from land to land, from synod to synod. His popularity among the masses of the people everywhere, and, above all, in monastic circles, was immense. Popular legends reflect this sentiment of the hour; a cock in Benevento crowed the name of the pope. A dog in Apulia sounded the praises of God by his barking. Already we discern traces of that alliance of the papacy with great popular move-

Synod at Rome.

The Papacy becoming a Popular Institution.



FACSIMILE OF A DOCUMENT OF POPE LEO IX.

SHOWING BEGINNING AND ENDING.

ments, which is the clue to its policy for centuries. Its enemies were kings and secular prelates; its friends were the struggling masses of the cities, now just beginning to feel themselves aroused to a sense of political unity and a consciousness of undeveloped strength.

CHAPTER VII.

THE PARTIES IN THE GREAT STRUGGLE.

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The Conflict of Church and State.

As we enter upon the history of the great conflict of the Middle Ages, the struggle between the religious and the secular powers, for the mastery in European affairs, it becomes important above all things to get a clear idea of the conditions under which this conflict was begun. It has been the purpose of the preceding chapters to indicate the lines along which European institutions had been moving, with especial reference to the approaching catastrophe. We have seen the origin and growth of the mediaeval empire, its conflicts within and without, the gradual extension of its mission as the representative of divine order in worldly affairs and the great service it had rendered to Europe, by putting forth from time to time a strong hand to bring back the papal institution from a purely local to a broad and universal conception of its function.

General Social Progress in Europe.

We must not, however, make the mistake of supposing that these moments of activity on the part of the empire were due to any special virtue of its own. They represent rather the highest points of a general toning-up of the whole social organism of Europe. As the feudal system passed out of its first stages of disorder, and began to take on the forms of regular legal tradition, without which no society can exist, we begin to notice everywhere traces of a new and more active intellectual life. The contact of the northern with the southern races had carried the germs of culture into every corner and, slowly but surely, the results were making themselves felt. The crude political ideas of a society purely military and agricultural were beginning to feel the impulse of a revived industry in those parts of Europe where ancient city-life had never quite lost its hold on the population, in Italy, in Southern France and in the lower lands of the Maas, Scheldt and Rhine.

Beginnings of Political Theories.

Until now the political action of the European powers had been determined almost wholly by the practical impulses of growing nationalities, seeking expansion at the cost of their neighbors, or working out in painful struggle the problems of administration, the relation of parts to the whole, of local to national interests, of class to class. Now, dimly shaping themselves into form, we discern here and there signs of a theoretical defense of institutions, political and religious. The historian feels that he is dealing with a society which is just beginning to be conscious of itself. Let us observe some of these indications.

The Theory of the Papal Power.

We should naturally look first for signs of a thorough comprehension of its rights to that institution which had preserved almost alone a continuous organic life. The papacy had, to be sure, suffered, during the tenth and eleventh centuries, long periods of eclipse as a force in European affairs ; but it had, as we have seen, already in the ninth century, made its declaration of rights in the form of the Pseudo-Isidorian decretal system, and it needed only a new impulse to set it moving once more along that same line. This impulse had come with the control of the papacy by the empire, and by the alliance of both powers for the time being with the great ascetic-popular movement.

The Isidorian theory of the absolute supremacy of the Roman papacy found itself threatened by two principal dangers. The one was that it should get into the hands of local parties, which should work it wholly for their own interests and thus alienate from it the allegiance of Europe.

From this danger it had now just been rescued by the vigorous policy of the empire; but this served to bring out more clearly the other danger: that it might come to be only a tool of this empire, created by it and hence subject to its dictation. That Leo IX felt this danger is suggested, at all events, by his attitude in refusing to accept the imperial nomination until it had been confirmed by the choice of the Roman people. Consciously or not, he was declaring the principle, to which the Roman papacy has clung to this day: that the essence of its peculiar character lies in its immediate connection with the city of Rome, and therefore with the succession from Peter. To recognize any other origin, no matter how promising the momentary outlook might thereby become, would change the Roman papacy into a something else and lose for it the inestimable value of its unbroken tradition.

The Papacy in Danger from the Empire.

During the rule of Leo we do not find this point further insisted upon, excepting in so far as he took every opportunity of proclaiming his supremacy over all church powers and of demonstrating in practice his headship, political and military as well as religious, of the Roman state. At his death, in the year 1054, the emperor's candidate was a man who represented distinctly the German-imperial view of politics. Gebhardt of Eichstedt in Bavaria had been one of the few opponents of Leo in Germany, and had defended the cause of the national church at several critical moments. His election as Victor II passed off without open opposition, and during his short rule of a little more than a year we find papacy and empire in substantial agreement. Victor II outlived the emperor, who died, still a young man, in the year 1056, leaving the administration of the empire in the hands of the pope as guardian of his infant son, the future

Victor II the Ally of the Empire.

king Henry IV. It might seem as if thus the highest ideal of the papacy had been reached. A pope combining in himself the functions of pope and emperor at once, must have seemed the very triumph of the policy of Leo; but, in fact, this pope was rather German than Roman, likely, at any critical moment, to place his function as imperial vicar before that of supreme head of the church.

The Anti-German Party elects Pope Stephen X.

The early death of Victor II and the practical vacancy of the empire was the opportunity for the anti-German interest in Rome to assert itself. We have already alluded to that duke Godfrey of Lorraine, who had played a master-stroke of policy against the emperor by marrying the rich and powerful Beatrice of Tuscany. Henry III had managed to avert the danger of this combination, by driving Godfrey back to Lorraine and keeping the countess Beatrice under careful guard. At his death there were those who believed that duke Godfrey would put himself forward as a candidate for the empire, but if there was such a scheme it was averted. Next to the empire, the greatest prize was the papacy, and this was secured for Godfrey's brother Frederic, who had but just been made abbot of Monte Casino by Victor II. For the first time since 1046 the motion for a papal election came, not from the empire, but from Rome. The election of Stephen X was first made secure and then negotiations with the empress-regent in Germany were begun. This election represents distinctly the alliance of three great parties: the Roman, the papal-reforming party and Tuscany. The empire as such had no part in it. The crisis towards which events had been tending had come, and it was clear that the decisive word had been spoken by that party which has just been called the papal-reforming, but which we may now without fear of error begin to call the "Hildebrandine."

Hildebrand behind the Throne.

Later tradition, friendly as well as hostile, represents the policy of the papacy, from the beginning of Leo IX on, as dictated by the monk Hildebrand. True or not, this opinion represents the fact that there is a clear continuity of policy from that point through the short papacies succeeding, and on through the whole rule of Hildebrand himself, a period of more than a generation. The key-note of this policy is a deadly hostility to any influence in the affairs of the papacy from any party whatever, outside of itself, imperial, national or Roman-factional. The papacy was to be thought of as an institution renewing itself out of its own life and resting upon a purely ecclesiastical basis, while at the same time it allowed itself absolute liberty to interfere in all human affairs.

Election of Pope Nicholas II.

Again we have a very short administration, and again rumors of poisoning. Pope Stephen died in Florence on his way to visit his brother in the spring of 1058. The course of events in Rome gave color to the accusation of murder. Once more, after all these years of repression, the factions of the Roman nobility show their hand. An alliance of Tusculans and Crescentians put forward a candidate of the former family, under the name of Benedict X, and in spite of the opposition of the leading clergymen of Rome succeeded in getting him enthroned. Hildebrand was in Germany, or perhaps already on his way to Rome, when he heard of these events. It will not be far wrong if we conclude from the conflicting accounts that he hastened to put himself into relations with the Tuscan sovereigns, and that it was through their joint action that the bishop of Florence was set up as a rival pope and carried to Rome. The sword of Godfrey and the gold of Hildebrand did their work and Nicholas II was pope, while Benedict, summoned before his judgment-seat, confessed his sin and himself threw aside the papal insignia. The consent of the empress-regent, obtained before the journey to Rome, shows that Hildebrand was not yet ready to break with the traditions of Henry III, but cannot be regarded as of much importance.

The Lateran Synod of 1059.

The first great Lateran synod of Nicholas II is one of the most interesting in the history of the papacy. It marks the attempt to give to the papal system a constitutional basis, by which its independence should be forever secured and placed in the hands of a well-defined, limited corporation. Long before this time the word "Cardinal" had been familiar to the Roman church. It was used to designate the principal clergymen of the Roman diocese, but was not connected with a fixed number of individuals. It was never thought of as one in the orders of the clergy, but was an additional title, prefixed to that of the order to which the individual belonged, as, for instance, "cardinal-bishop," "cardinal-presbyter," or "cardinal-deacon." The function of the cardinals had up to this time been of an advisory sort. They did not form a regularly organized ministry, but were summoned by the popes whenever occasion for their advice arose. Their importance as a college (*collegium*) dates from this Lateran Synod of 1059. By the action of that council the choice of a pope was declared to rest for the future in the hands of the cardinals. It is difficult, to be sure, to tell the precise method of election here intended. The texts of the decree are in all probability corrupt and disagree with each other. Probably the intention was that the cardinals should take the initiative, and among the cardinals, the cardinal-bishops, that the "Roman people" should then express their approval, and, finally, that the sanction of the emperor in some form should be obtained.

Establishment of the College of Cardinals.

The great opportunity for diversity of interpretation and the pressure of "practical politics" made it impossible that the working of this decree should be immediate or complete. The history of papal elections shows that it was to be a century yet before the right of the college to control the electoral process was definitely acknowledged. Yet the immense importance of the principle is clear. If it could once be definitely established that the papacy owed its existence to the action of a certain small and well defined body of Roman clergymen, then the danger of all outward interference was certainly diminished, and there was reason to hope that it might be wholly removed. At the same time it required but little foresight to perceive that the same kind of scheming which had hitherto been applied to the immediate election of the pope, might now be applied to the control of the college of cardinals. Henceforth the politics of the papacy were to take on a new form, but it would be too much to say that the spirit of the institution was greatly changed.

Effect of the Decree.

From our point of view the most important clause in the electoral decree of Nicholas II was that which referred to the emperor's share in the decision. We have two texts of the decree preserved, in both of which the emperor is mentioned, in one barely mentioned, in the other with considerable detail. Scholars on both sides have done their best to confuse the issue, but it seems clear that the Roman party did not wish to exclude all reference to the empire, while on the other hand, the imperial party could hardly have thought of making the election depend primarily upon its approval. It is idle to suppose that the men of the eleventh century had anything more than a dim perception of what we call regular constitutional processes of any kind. Such arrangements as this were not thought of as fixing usage definitely, any more

Share of the Emperor in the Election.

than a proclamation of the "Landfrieden" was thought of as an effectual bar to private warfare. They were simply the expression of the will of the party for the moment in power, and could not be expected to become effectual until the world should have grown up to them.

The Papal Party in Lombardy.

The electoral decree must be regarded as the first great stroke in the Hildebrandine administration of the papacy. It was now possible for the reform party to assume that an election, through any influence but their own, was unconstitutional, or, in church language, "uncanonical." We have now to notice some of the outward supports on which the party was to rely. The position of Lombardy during the next century, and longer, was to be one of the most important elements in the relations of the papal and imperial parties. This was partly owing to its geographical situation, since communication between Germany and Italy was possible only by ways leading through the valley of the Po. But there were other causes far more important.

The "Ambrosian" Tradition in Milan.

The leading influence in Lombardy had, from the last days of the Roman empire, been the city of Milan. It had long been the favorite residence of emperors, and commercially was, by its very situation, the natural centre of north-Italian life. Its development as a clerical centre had been largely independent of Rome. If Rome had her Peter, so had Milan her Ambrose, and she looked back to him as the founder of her clerical institutions. The ritual of her church varied, in some particulars, from that of Rome, and, as usually happens, the trivial character of these variations only served to make the Milanese the more jealous of any encroachment upon them from any quarter.

Under the Lombard kingdom the greatness of Milan had been obscured. Pavia had risen to be the capital, and the predominance of an agricultural over an industrial civilization had reacted unfavorably upon all city-life. In the downfall of the Lombard kingdom, under Charlemagne, and in the rise of feudalism upon its ruins, the natural advantages of Milan had again asserted themselves, and by the time we are now studying, it had become distinctly the head of all Lombard politics. In the reorganization of the nation by Charlemagne, the city had, like others, been put under a count, and this count had come to be regularly the bishop. The city was organized on a quasi-feudal basis, with the bishop at the head, and under him a class of the higher nobility, "capitanei," whose estates were scattered about in the neighboring country, and who had again under them a lower class of petty knights, the "valvassores," whom we met in the time of Conrad II. The city population of free artisans occupied houses belonging to the wealthier citizens, and formed a keen and active community, already beginning to be conscious of its political existence and to claim rights in consequence. Already there were ominous signs of a disposition to throw off the feudal control of the bishop and to substitute for it some kind of popular government by elected officers, which should bring the city back to something like the old Roman municipal independence.

Hegemony of Milan in Lombardy.

Political Organization of the City.

What is true here of Milan was true also, in varying degrees, of the neighboring cities. They were all jealous of Milan, and yet looked to her for example, and often for alliance. This popular movement has its own interest as the first wave of a great political and social change which was to affect most profoundly the life of Europe; but our especial concern with it here is in its connection with the larger movement of church reform. About the year 1045, while the great

Rise of the "Pataria."

bishop Aribo was still in office, there had come into Milan, from outside, a singular religious impulse, of a sort which in those days was cropping out in all parts of Europe, and which, for want of a better name, figures as "Manichean." Enough for our present purpose, that this impulse took the form of a protest against the organized clergy, but more especially against those very evils which the monks of Cluny were fighting on a very different line. Above all these "heretics," to whom whatever was material seemed wrong and base, declared war upon the marriage of the clergy, as not only leading them into those domestic relations which seemed to unfit them for the purely clerical life, but as wrong in itself. Indeed, the extremists among them would have had all marriage abolished, and believed that only those led the perfect life who were able to make this kind of sacrifice.

The "Pataria" as a Political Party.

Bishop Aribo had held a strict inquisition upon the new ideas and had burned many of the heretics, but had not been able to prevent them from reaching the masses of the people. They found an echo in the prevailing discontent of the lower as against the higher classes, and began to give at once a new force and character to this discontent. Popular leaders, the earliest known specimens of the modern demagogue, appeared in Milan, and by the force of eloquence roused the populace to fury. Under the war-cry of "down with the married priests!" they organized the city militia into an effective force and drove the bishop from the city. The name "Pataria," the "party of the ragamuffins," was given them by their enemies, but we can easily see that this was far from being a contemptible demonstration. Its best sanction lay in the alliance with the papacy, which the Hildebrandine party was clever enough to see would be of advantage both ways.

We are exceptionally well informed on these affairs, not only by two good Milanese historians, but also by the writings of the man who, more than any other, was the embodiment of this aspect of the reform movement. Peter Damiani, brought up as a monk, then made cardinal and bishop of Ostia, had been from the beginning the most violent advocate of sacerdotal celibacy. In the early days of Leo IX he had addressed to the pope a treatise on the evils of the monastic life, for which he could find no more expressive title than the "book of Gomorrah." According to his account the monasteries were simply dens of iniquity, but it never once occurs to him that the root of the evil lay in the nature of the ascetic life itself. On the contrary, he believed that it only needed more of the true monastic spirit to set everything right. At the great council of 1059 his influence had procured the passage of the severest decrees against clerical marriage, and also of measures looking towards the gathering of the clergy belonging to a diocese into a common house, and placing them under rules similar to those of monasteries. This was a revival of the "canonical life" of Bishop Chrodegang of Metz in the eighth century. Its purpose here was to make supervision of the private morals of the clergy more effective.

Peter Damiani.

The "Canonical Life."

This was the person employed by the papacy on the delicate mission of mediating between the furious populace of Milan and the party of the bishop. His account of the Lombard clergy is most significant. He describes them as men of profound learning, dignity and piety, but stained with that fault which it was his business to denounce as sin, namely, the possession of lawful wives, a description the most damaging to his own cause that could possibly have been given. The fate of Damiani's mission illustrates very well the whole

Damiani and the Lombard Clergy.

situation. The ascetic enthusiasm had roused one element of the populace to a demonstration against the Ambrosian clergy; the interference of a Roman legate in Milanese affairs aroused another, or possibly the same element in a different mood, to an equally furious demonstration of loyalty to the Ambrosian traditions. Damiani barely escaped with his life, and left the parties in Milan to fight it out as best they might. Henceforth, in all the conflicts of the Hildebrandine period the "Pataria" was one of the elements on which the reform could count, but only as it kept in touch with the larger drift of Milanese politics. In so far as this movement rested upon heretical beginnings, this was, of course, a dangerous alliance; but it is not the only case in which the policy of Hildebrand was willing to wink at doctrinal unsoundness for the sake of political advantage.

The Normans in Italy.

We have thus far avoided all mention of an element in the politics of Italy, which was to have a vast influence on the future of the papacy. Our last reference to the Normans was in connection with their final settlement along the northern coast of France, after having for a hundred years worried the shores of all the western and northern rivers of Gaul. The settlement in Normandy had been decisive in its effects upon the habits of the race. They had lent themselves with surprising rapidity to the influences of civilization, and the resulting population had, in the course of three generations, become one of the keenest-witted as well as one of the most warlike and vigorous of the European family. The main stock of the race had become settled, but they had not lost the old instinct, brought with them from their far northern homes, to seek new fields for adventure and profit. We still hear of them in many parts of southern and western Europe, wandering in small parties of fighting men, trying their luck in this or that more or less unoccupied region, but nowhere gaining a foothold as permanent settlers.

First Acquaintance with the Country.

As early as the first quarter of the eleventh century, a party of Normans returning from the Holy Land had been wrecked on the coast of Italy near Salerno, and following the custom of the time, had hired themselves out to the commander of a Greek army just on the way to fight the Saracens in Sicily. The survivors of this deed of arms carried back to Normandy the news of a great country, fertile in all resources, without stable government and much in need of good fighting men. After this, from time to time, considerable bodies of Norman soldiers are heard of in southern Italy, fighting for pay and plunder on one side or another of the petty conflicts which were there the natural state of things. The political organization of the country was of the loosest possible description. In Apulia, the name then given to the southeastern part of the peninsula, and along the eastern coast, northward beyond the promontory of Monte Gargano, also in the southwestern peninsula, now called Calabria, the eastern empire still held nominal control. Its oppressive administration had combined with the natural incapacity of the inhabitants to check the development of the land, and had at the same time been unable to do more than hold at bay the forces that were pressing it from the south and from the north.

Greek, Arab and Lombard Territories.

Arab settlements had been made all along the western coast of Italy, and had taken the island of Sicily wholly into their power. Northward, along both coasts, the country was still in the hands of a group of petty princes, remnants of the outlying dukedoms, which had once belonged as integral parts to the ancient kingdom of the Lombards. In the eleventh century the principal among these were Spoleto, Benevento, Capua, Amalfi and Salerno. The relation of these states to the Greek empire had been a shifting one, varying from a sort of vassalage to entire independence. In the various efforts made from time to time by the German emperors to drive out the Greeks from Italy, they had found a fitful support from these degenerate descendants of the mighty Lombards. Conrad II had taken the step of making certain of the princes directly dependent upon himself; but this relation seems not to have been of great value either way. What was needed in southern Italy was new blood and some power, strong enough and unscrupulous enough to clear away the existing fragments of political organization, and to put in their place a vigorous and permanent administration. This was precisely the kind of thing the Normans, above all peoples in Europe, were capable of doing. In the year 1041 we find a new swarm of them in Italy, under the leadership of the sons of a Norman gentleman, named Hauteville. They had come at the invitation of a Lombard adventurer to help him in a campaign against the Greeks in Apulia; the contract was that the Normans should have half the conquered lands for their own. It is a story of the wildest marauding, without a shadow of political rights or national feeling on anybody's part. The Normans were successful beyond expectation. To give themselves a show of legitimacy they chose a leader of their own, William the Iron Arm, and he got himself invested with the title of Count of Apulia, by the Prince of Salerno, whose niece, also, he married. The Normans were becoming respectable.

The Norman Opportunity in Italy.

This William died in 1046, the year of the Council at Sutri, and his brother, Drogo, was not only acknowledged as his successor by the Normans, but was also received as vassal by the prince of Salerno and given his daughter in marriage. These events

Infeudation of the Normans with Apulia.

happened just as the emperor, Henry III, had set things to rights in Rome and was turning his attention to the South. Following up the policy already begun by Conrad, he summoned the princes of southern Italy to his court and, assuming the right to dispose of lands which had never, by any fiction, belonged to the western empire, he confirmed the Salernian in his possessions and invested Drogo, the Norman adventurer, with the county of Apulia as a vassal of the empire. The Normans had become *quite* respectable. Within five years, by the virtue of the convenient feudal machinery, a gang of wandering land and cattle thieves had become as good princes of the Holy Roman Empire as any one else.

The Normans dangerous to the Papacy.

The nominal sovereignty of the Normans soon became an actual one. There was no force in the whole of southern Italy that could make a stand against them, and as soon as they were convinced of this they began to press more boldly towards the north. In this direction they came inevitably into contact with the papacy which at this moment, under the energetic lead of pope Leo IX, was beginning to revive the ambition for temporal power, which had been lost sight of in the squabbles of the Roman factions and in the first enthusiasm of a purely religious reformation. The successes of the Normans were becoming alarming. It was the old and ever to be repeated story of a foreign power called into Italy as a savior, and then showing itself a master. All the powers of Italy were afraid of the Normans, but there was not virtue enough among them all together to combine and once for all to drive the invaders from the country. The pope Leo, like his great predecessor, first of the name, when Hun and Vandal threatened to destroy Italy, was the only person about whom what little there was of military and civic vigor in the land might gather.

From the first moment of the Norman success, Leo had foreseen the danger, and had begun to seek for help in meeting it. He had even gone up into Germany again and begged every one, from the emperor down, to join him in a holy war against these enemies of mankind. Even the neighborhood of the Greek had seemed to him less dangerous than that of the Norman, and he had gone into negotiations with the empire at Constantinople to support him with a force in Italy. The response had not been wholly satisfactory. The Greek emperor could do little; the German clergy had distinctly thrown cold water on Leo's scheme; the princes of northern Italy had other use for their men; the Italian Greeks could never be counted upon. On the other hand, the Normans showed every disposition to make a fight, the different groups among them feeling that they had here a common cause. Leo finally succeeded in getting together a few hundred Swabians, and, as these marched down the peninsula, they were strengthened by additions of irregular troops, the kind of restless fighting material that was always to be found where the scent of plunder was in the air.

Leo IX against the Normans.

Leo himself was the actual commander of these forces. He led them through the Beneventine territory to the borders of Apulia, where the Normans had concentrated. Hardly was it decided to join battle, when the Italian forces of Leo scattered to the four winds, leaving the little band of Swabians to take the brunt of the attack. They were cut down almost to a man, and the victory of the Normans was complete. Then followed one of those singular displays of courtesy and piety, which in that day went so often hand in hand with brutal violence and an unscrupulous disregard of rights. The papal party in the little castle of Civitate, trembling for their lives, were astonished to see the Norman leaders

The Battle of Civitate. June, 1053.

approach with every sign of reverence, throw themselves at the foot of the pope and beg him for forgiveness. Under their faithful escort the pope was conducted to the city of Benevento, and there spent the following nine months, warding off perhaps by his presence a Norman assault upon the place.

Norman Princes Vassals of the Papacy.

This attitude of Leo as military leader had not been altogether welcome to the strict party of the reform; nor, on the other hand, was it the interest of the Normans to remain in a permanent state of hostility to the papacy. Within a very short time after the death of Leo the control of Norman affairs came into the hands of two young adventurers, who, beginning with nothing, had risen rapidly, to be known as the counts Richard of Aversa and Robert of Apulia. This Robert was the famous "Guiscard" ("Slyboots"), from whom the race of the later Norman kings of Italy takes its origin. At the same moment the clever Hildebrand had come to see the vast advantages that might come to the papacy from the service of these invincible warriors, if only their arms might be kept within proper limits. He offered them the "legitimation" of their already acquired power in return for their promise of fidelity to the Holy See. Richard first, and later Robert, accepted the proposition, and at a synod held in Melfi, in Apulia, immediately after the great Lateran synod of 1059, both princes appeared personally before Pope Nicholas II and in all form made themselves the feudal vassals of the papacy. The oath of Robert Guiscard is still preserved[1] and shows in its elaborate detail of the obligations into which he entered, how complete this theory of papal over-lordship was. It was the first effective application by the papacy of the feudal process for securing the control of a great

The Feudal Oath of the Normans.

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[1] Mathews' Select Documents.

territory. Richard was invested with the title of Duke of Capua, and Robert with that of Duke of Apulia, Calabria and Sicily, a title rather prophetic than, for the present, accurate. The relation thus established was, on the whole, well maintained — with many ups and downs, it is true; but, in mustering the forces of the Hildebrandine party, it will be safe to count the Norman alliance as amongst the most powerful.

The Countess Matilda of Tuscany.

Whenever the feudal tie held the Normans as it should do, the papacy was defended and sheltered on the south. Towards the north it found a support far more useful and more trustworthy in the great county of Tuscany, reaching from the borders of the papal state up beyond the Po into Lombardy. The widowed countess Beatrice had married for political reasons duke Godfrey of Lorraine, and had gone thus definitely over into the camp of the enemies of the empire. Her daughter Matilda had then married Godfrey, the son of Godfrey, and so strengthened the same political ties. But, more than this, both these women had from the first been enthusiastic followers of the Cluny ideas. Both were women of masculine energy, devoted with fanaticism to the religious life and ready to lend all the resources of their state to the cause of Rome, as soon as that cause had come to be identified with that of reform in the religious world. In a letter of Hildebrand to the countess Matilda he said he should advise her to enter a nunnery, were it not that she was indispensable to the cause of the church. In all the long conflict with the empire the land of the "great countess" lay as a barrier, often a most effectual one, to military expeditions, and the popes of the reform were never without a safe shelter from violence so long as they could reach the protection of the Tuscan frontier.

Such were the chief resources of the papacy in the life

Summary of the Papal Resources.

and death struggle with the temporal power upon which it was now about to enter: the idea of ecclesiastical reform on the basis of a celibate clergy elected without the use of money or violence, and inducted into its office by clerical hands alone; the "Pataria" in the cities of northern Italy; the wealth and enthusiasm of the countess Matilda in the centre, and the political interest of the Normans in the south of the peninsula. To these must be added the discontent of subjects in every country in Europe where the conflict was threatening, carefully utilized and directed by the papacy to its own ends.

The Personality of Hildebrand.

These vast resources were now to be put into combined action by the genius of a great man. The personality of Hildebrand, judged in his own time with all the prejudice of inordinate enthusiasm or of bitterest hatred, has come down to us in this double light and defies all efforts to describe it in any one simple formula. However we may look at it, his is a figure of great human interest. He is one of those few commanding spirits that from time to time seem to gather up into themselves the prevailing forces of their day and bring them all to bear upon some one central point. There can be no doubt, whatever, that the character of Hildebrand, as we find it in the literature of his time, is grossly distorted. The heated passions of the moment are felt in almost every mention of his actions. We have to judge him by his acts and by the evidence of his own writings.

Hildebrand's Development.

The common impression that the papal policy from the fall of Gregory VI onward was largely influenced by Hildebrand is probably correct. As to his early life we are very much in the dark. He was probably of Roman birth, though his name suggests a Teutonic origin. He was brought up as a monk, and his hope for the world rested throughout upon monkish ideals;

but from the first we find him acting in administrative capacities. His monasticism was not that of the cell, but rather that of the council or the camp. His relations with Gregory VI, the man of Cluny, who bought the papacy that he might reform it, are obscure. He went with him into exile, and appears again on the scene only when Leo IX begins his administration. His office was that of deacon; in other words, he was concerned in the practical side of the papal business. He showed a capacity for finance, which brought upon him the reproach of corruption, but which, in the existing disorder of the papal revenues, was a most valuable gift. At about the time of the electoral decree of 1059, Hildebrand was promoted to be archdeacon, still in the same line of affairs, and in this office he remained until his election to the papacy in 1073. The worst charge against Hildebrand is that which is sure to be made against all great administrators, that he was unscrupulous in his methods. It would perhaps be equally true to say that all considerations seemed unimportant to him as compared with the great end he had set before himself. For example, he was not a theologian, and was inclined to overlook even heretical tendencies rather than lose the chance for an ally. He joined hands with the Lombard Patarini; he tried his best to carry Berengar of Tours through the storms of his persecution; he even incurred the suspicion of heresy himself, because, in his zeal, he had declared that the administration of the sacraments by a simoniacal priest was invalid. Doubtless he sought his allies where he could find them, and excused himself for apparent fickleness by the greatness of his need.

Hildebrand's Unscrupulousness.

The administration of Nicholas II is one unbroken series of attempts to enforce in every country of Europe the principles of the reformed papacy. In Italy, the infeudation of the Normans was accompanied by the holding of several synods in southern Italy, at which the purity of the ecclesiastical life was insisted upon with all the fervor of Leo himself. In the north, the mission of Damiani to the Milanese falls in this period, and though the political element of the affair had well-nigh ruined the religious aim, still Damiani reports that he had gained a formal agreement from the archbishop to aid in the good work.

The Reformed Papacy and the Nations.

Italy.

In France, where king Henry I in his last days had sanctioned the holding of two reform synods, the principles of no-simony and of sacerdotal celibacy had been proclaimed, but the government had plainly shown its determination to maintain the headship of the Gallican church. With William of Normandy, who had been excommunicated on account of his marriage with a relative, Nicholas managed to make a good bargain, by which the excommunication was removed on condition that the duke should found a monastery. In England, a controversy as to the investiture of an archbishop of York was decided in favor of the national party. In all these cases we plainly discern a policy of mildness wherever the national interest was vigorously insisted upon.

France.

England.

Of all the European countries, however, Germany was, at this moment, the one with which it was most important that the papacy should keep in good relations. The claim of the German king over Italy made conflicts almost inevitable, while, on the other hand, the admitted right of the papacy to sanction the imperial coronation gave it a handle which at this precise time it was not likely to neglect. The internal politics of Germany, too, were in such shape as to offer the most tempting opportunity for interference. The all too early death of Henry III had left the govern-

Relations with the German Kingdom.

1056.

ment in the hands of the empress Agnes as regent for her six-year-old son Henry. This Agnes, a woman of culture and piety, was utterly unfit to meet the great difficulties of the situation. She committed the error, fatal to any regent, of surrounding herself with counsellors who were out of touch with the real governing forces of the state. The weight of German politics lay, as we have already seen, in the harmonious working together of the great territorial lords with the leading members of the higher clergy. That government alone could be successful which should succeed in maintaining this harmony. The local powers could not be coerced; they could only be conciliated. The royal power had not struck its roots very deep into the political consciousness of Germany.

Regency of Agnes of Poitiers.

The turning-point in the relations between Germany and the papacy was the Lateran Synod of 1059. Although one might have expected resistance from the imperial government to these Lateran decrees, it was, in fact, the German clergy which took up the national cause. Without the knowledge, so far as we are informed, of the empress, a synod of German clergymen promptly repudiated the whole action of the Roman council, declared the pope Nicholas deposed and ordered his name to be omitted from the public prayers. Even the empress was so far carried along by this current that a papal ambassador, sent express to inquire into the meaning of such action, was left for five days outside the royal court and sent home without an answer.

The Attitude of the German Clergy. 1059.

The test of the working of the Lateran decrees came within two years, upon the death of Nicholas II. The Roman nobility, forgetting their party interests for the moment, sent up at once to the regent, begging her in the name of the young king

Election of Pope Alexander II. 1061.

as Patricius of Rome, to nominate the new pope. The regent, plainly not eager to take so weighty a step, put off the decision until a council could be held. Meanwhile Hildebrand, after a delay of three months, determined to follow out to the bitter end the policy already begun, and without consulting the empress or the Roman party, relying upon the moral support of the cardinals and the physical backing of several hundred Normans, carried through the election of Anselm of Lucca, as Alexander II. This Anselm was a Milanese, the chief supporter of the Pataria and the intimate friend and counselor of the house of Tuscany, thus combining in himself the chief elements of strength on the Hildebrandine side.

1061-1073.

The German council came together at Basel and, first declaring the young king to be the Patricius of Rome, rejected the election of Alexander II and then, upon the proposition of Lombard bishops, elected bishop Cadalus of Parma, who called himself Honorius II. Thus the issue was clearly defined. Empire and papacy, apparently working together in such edifying harmony for the reform of an evil world, had developed the germs of dissension that lay concealed in the very theory of the two powers, and the war was declared. The attitude of Germany had never been so openly defiant of Rome as now; but the change from the conditions in the time of Otto I or of Henry III was painfully apparent. Instead of the vigorous support which either of those rulers would have given to his words, we have only the most pitiful shilly-shallying with a cause that needed the utmost energy. Cadalus was left entirely to his own resources, and it was six months before he found himself strong enough to advance upon Rome. When at last, with the help of Lombard weapons and gold, he had made his way into the city, and seemed upon the

Election of Cadalus of Parma (Honorius II). 1061.

verge of a complete triumph, he was suddenly confronted by the duke Godfrey of Tuscany and forced to withdraw to Parma to await the judgment of the king. Alexander II was compelled to submit himself to the same tribunal.

The Overthrow of the Empress-Regent.

The explanation of this sudden reversal of positions is to be found in the revolution which had meanwhile taken place in Germany. The administration of the empress had given the widest dissatisfaction in the country, and had called forth an opposition, of which archbishop Hanno of Cologne had become the centre. While Cadalus had been fighting and buying his way into Rome, the clever Hanno had taken advantage of a visit of the court to his diocese to invite the young king to inspect a pleasure boat, which he had set up on the Rhine. As soon as the lad was safely on board, the oarsmen were ordered to give way and the boat started for Cologne. The plucky youth, seeing himself entrapped, threw himself into the water and struck out for the shore, but was pulled on board again and carried safely to the residence of the archbishop.

Regency of Hanno and the Bishops.

With the king in his hands, it was comparatively easy for Hanno to declare himself the head of a commission of regency and to secure the definite retirement of the empress Agnes from the conduct of affairs. We are obliged to use constitutional language in speaking of these matters, but it is plain that the constitution of Germany, if we may so call it, had no place for a regency. A regency is an idea completely identified with the notions of an inherited kingdom, and these notions were (as we have been seeing) foreign to the spirit of German political life. The principle of German unity is to be sought, not in its monarchy, but in the sense of a common interest among its princes, and in the year 1062 the best representatives of that common interest were to be found among the great bishops.

Political Disintegration in Germany.

There seems to have been no good reason why the German princes should not have taken the same action that had already saved the state at several similar crises and chosen for their king a powerful man who might have united the country and carried on the policy clearly outlined by Conrad II and Henry III. Perhaps a sufficient explanation is to be found in the immense increase in the power of the higher clergy and the presence in that body at the same moment of several quite extraordinary men. Hanno himself, Adalbert of Bremen, Siegfried of Mainz, were a trio that might well feel itself capable of taking upon its own shoulders the care of an empire. For the moment the regency passed into the hands of the whole body of the German clergy, with the understanding that the bishop in whose diocese the king should for the time be living, should be the responsible manager of public affairs: — a singular comment upon the strength of this clerical element in the state.

Regency of Hanno of Cologne and Adalbert of Bremen.

Plainly, however, such an arrangement could never last long, and the regency soon passed practically into the hands of Hanno and Adalbert of Bremen. A German synod at Augsburg, just a year after the election of Cadalus, passed measures so conciliatory that they amounted to a practical recognition of the Roman electoral college as the only true source of the papal power. This conciliatory attitude, apparently the work of Hanno, was further carried out in the following spring at a general council, summoned by the German government at Mantua, in the dominions of Beatrice of Tuscany. The calling of a council under German influence to settle the question of the papacy was clearly against the policy of Hildebrand, but the gains were greater than the loss, for at Mantua pope Alexander, called to account for the means of his accession, made a good defense and was declared true pope. The cause of Cadalus was definitely dropped. The regency had succeeded in maintaining its right to judge a papal election, and had rather strengthened itself than otherwise by accepting the pope of the cardinals.

Majority of Henry IV. 1065.

While Hanno had been in Italy conducting this delicate piece of diplomacy, the management of affairs in Germany had been left in the hands of Adalbert of Bremen, whose influence over the young king, now, at fifteen, declared of age, was beginning to overshadow that of Hanno. If we are to believe the writers hostile to Henry, we have in this fact the clue to much of his later ill-fortune. Adalbert, they say, systematically ruined the youth by letting him have his way in every particular, while Hanno, a stern moralist, tried, by severity, to keep him straight. This is a simple way of writing history, but we shall have little profited by our previous study, if we fancy that the complications of Henry's troubled reign can be so easily explained. On the other hand, it will not perhaps be far out of the way if we conclude that the anti-papal policy of the king was greatly influenced by the counsels of a prelate whose sense of the national rights was so strong that he has even been accused of wanting to set up a great northern patriarchate in defiance of Rome.

Character of Henry IV.

In the ten years between the majority of Henry and the beginning of the conflict with Hildebrand, one can, without great difficulty, note the development of the conditions under which the fight was to open. If it had been an almost impossible task for such men as the Ottos, Conrad II and Henry III, to keep their heads above the waters of internal conflict, how much more for a clever but headstrong youth, just coming out of the leading-strings into a sense of his royal rights. The declaration of his majority did not set him free. In every direction he found himself fettered by interested advisers. A wife, to whom his father had bound him almost in his cradle, was now forced upon him as a measure of state policy. Enemies beset him at every turn; it was little wonder that a youth of spirit should have his fling with a vengeance and throw himself then into the hands of the men who would do what he wished. Excepting Hildebrand himself there is no one in this period whose character has come down to us more distorted by party hatred. His biography, written by a warm personal admirer, represents him as a long-suffering man, driven into corners all his life by the craft of his enemies, but rising superior to calamity by the purity of his personal character. The accounts of his enemies, as, for instance, that of Bruno the Saxon, picture him as a fiend incarnate, revelling in every form of vice and corruption — an enemy of the church and of his people alike. Setting both these descriptions aside, the historian must see in Henry IV a man of more than ordinary ability, called upon to face extraordinary difficulties which not he, but the whole course of events for two generations, had prepared, with no solid party upon which he could rely, threatened by rebellion and treason in his own household, and yet making head against all resisting forces, and, through a very long reign, keeping them at bay.

Divergent Descriptions of him.

Through the remainder of the pontificate of Alexander II the politics of Italy were shaping themselves as they were to stand during the next generation. The conflicts of the Pataria had brought out fairly the question whence the bishops of the Lombard cities were to draw their authority. On the death of bishop Guido of Milan, his party had sent up into Germany to get

Causes of Conflict in Italy.

from Henry the sanction of their choice, while the Patarini, supported by Rome, had put forward their candidate. Again the interference of Rome had brought out popular resistance and the bishop of the Pataria had been driven out. The anti-pope, Cadalus of Parma, died in 1072, and was succeeded in Parma by a German. Wibert, formerly imperial chancellor in Italy was made bishop of Ravenna. In all directions the imperial party was keeping the upper hand.

CHAPTER VIII.

THE CONFLICT OF THE INVESTITURE.

1073–1122.

LITERATURE.

See Chapter VII.

Election of Hildebrand as Gregory VII.

AT the death of Alexander II the moment had come when Hildebrand could step forth from behind the screen which until then had served to mask his real control of affairs. His own story of his election as a spontaneous outburst of affection and confidence on the part of the Romans is so strongly tinged with the conventional modesty usual in all such accounts that we need pay little attention to it; surely the acts of the man, when he found himself in the saddle, do not suggest an over-sensitive consciousness of limitations. The only point we need notice is that the election was a tumultuous affair, settled with indecent haste, and without consultation with the imperial power. Indeed, it makes little difference as to form; the later accusations on this point were rather pretexts than arguments.

Gregory's Attitude toward the Empire.

In letters written hither and thither to intimate friends and supporters, Gregory at once announces his election and declares his intention to send ambassadors to Henry, not to beg the favor of his support, but to demand his submission as a faithful son to the voice of the mother church. If he fail to listen, then will the successor of Peter know how to do his duty. It is clear, therefore, that from the first moment of his administration Gregory had determined not to wait for events but to push forward with all speed his plans for an unheard-of expansion of the papal rights. The precise date of his consecration is doubtful, but it seems probable that it was before any formal approval had been received from Henry. The edict of 1059 — probably Hildebrand's own work — seemed to be wholly forgotten.

Rebellion in Saxony against Henry IV.

Whatever may have been the intentions of the young king in regard to the papacy, he was at the moment in no condition to enforce them. His whole strength was needed to meet the most dangerous rebellion that had as yet threatened the German kingdom. In previous rebellions the question had generally been a dynastic one, in the interest of one or another local family; in this case the causes of complaint were of a sort that appealed to the whole people of a land from which until now the kingdom had received its best support. The accounts of the Saxon wars, drawn almost wholly from the narratives of Lambert of Hersfeld and Bruno of Merseburg, are, especially in the latter case, so colored by the bitterest hatred of the king, that we are at a loss to make out clearly the actual connections of cause and effect. Even Bruno has nothing to say against Henry III, so that the jealousy of a race which had lost the kingdom, after having held it gloriously for five successive reigns, cannot have been the prime motive in this case. Henry III had passed much of his time in Saxony, had left the dukedom there in the hands of a great local family, the Billings, and had drawn from the Saxon clergy, especially from the church at Goslar, some of the foremost bishops of the kingdom. Yet he had very much favored the ambitious bishop, Adalbert of Bremen, who was in continual conflicts with these Saxon dukes, and perhaps we may find in this antagonism one, if not the main, source of Saxon discontent. The chief accusation against his son was that he had built royal castles throughout the land, in which he had left turbulent garrisons who preyed upon the goods of the inhabitants and worried their domestic peace. There is a popular tone in these complaints, which makes one incline to place them in line with popular demonstrations, which, in varying forms, are cropping out in many parts of Europe. The people are beginning to be an element for statesmen to reckon with.

Charges of the Saxons against the King.

The Saxons presented themselves to the papacy as subjects oppressed by a tyrannous and unscrupulous king. This was precisely the kind of case which had always been welcome to ambitious popes. Henceforth, during the whole of his administration, Gregory did his best to keep alive the Saxon enmity, and we can trace with considerable accuracy a regular ebb and flow in the fortunes of the king, according as this combination against him worked well or ill. Already, in the last days of Alexander II, an indirect blow had been struck at Henry by a decree of excommunication against certain of his counselors whose influence was adverse to the papal plans. Gregory found the occasion for action, therefore, ready to his hand. At the moment when Henry was at his wits' end how to avert the threatening storm in Saxony, the pope summoned the clergy of Germany to meet his legates at a council, over which the legates should preside, and which should definitely settle all existing causes of difference. Henry seemed inclined to give way, but the German clergy, under the lead of Mainz and Bremen, once more showed itself the best representative of the national cause. They refused to hold any council at the bidding of the pope or under the presidency of his legates.

Alliance between the Saxons and the Pope.

It was, of course, the cue of the papal party to represent this refusal as inspired by fear, lest a council so organized should find the chiefs of the German clergy guilty of those crimes which the reformed papacy was attacking. But the first great public demonstration of Gregory VII showed that the real question was not, by any means, the clerical character of this or that prelate, but the very essence of the clerical character itself. At the Lateran Synod of 1075, we have the first papal proclamation of the prohibition of Lay Investiture. This element of the reform had already been brought forward in local synods, but was now to be made the chief point about which the efforts of Gregory were to turn. In no respect is the political sagacity of Gregory more clearly shown than in throwing the weight of the papal cause upon this demand. The "investiture" of a bishop or abbot was a process quite distinct from his election. The election might have taken place as canonically as possible; the candidate might be the purest being under the sun, but, if he was to receive the ultimate sanction of his position from any layman whomsoever, the final hold of the papacy upon him was still insecure. Gregory discerned with great shrewdness that here lay the secret of national opposition to Rome. He had had a chance to see the working of it in every country of Europe. The college of bishops, owing to the government the allegiance due to the power from which they derived their sanction, had been the chief obstacle to the reforming programme. If now this sanction could be kept in the hands of the papacy, it might well be hoped that the allegiance would go with it, and the possibilities opened up by this transfer were such as might well dazzle the imagination of any party that hoped to reap its benefits.

The Lateran Synod of 1075.

The Prohibition of the Lay-Investiture.

If the final control over the appointment of all the higher clergy could be vested in the papacy, there must soon cease to be a national clergy in any country. The tie between king and clergy was broken, and the papacy might count upon a spiritual militia within every Christian country owing its existence to Rome, and subject therefore to Rome's lightest wish. That this is no fancy picture of the Gregorian programme is proved by a very curious document which comes to us in the manuscripts of Gregory's letters, and seems to have been a series of headings largely drawn from Pseudo-Isidore, which, taken together, form what we might call the "platform" of his party.

The "Dictatus Papae."

THE "*DICTATUS PAPAE.*"

1. That the Roman church was founded by God alone.
2. That the Roman bishop (*pontifex*) alone is properly called *universalis.*
3. That he alone may depose bishops and reinstate them.
4. That his legate, though of inferior grade, takes precedence of all bishops in council, and may give sentence of deposition against them.
5. That the pope may depose (bishops) in their absence.
6. That we may not even stay in the same house with those who are excommunicated by him.
8. That he alone may use the insignia of empire.
9. That the pope is the only person whose feet are kissed by all princes.
11. That he bears a name which is unique in the world.
12. That he may depose emperors.
13. That he may, if necessity require, transfer bishops from one see to another.
16. That no synod may be regarded as a general one without his consent.
17. That no scripture (*capitulum*) and no book may be called canonical without his authority.

18. That his decree may be annulled by no one, but that he alone may annul the decrees of all.
19. That he may be judged by no one.
20. That no one may dare to condemn a person who appeals to the apostolic see.
22. That the Roman church has never erred, nor ever, by the witness of scripture, shall err, to all eternity (*in perpetuum*).
26. That he may not be considered catholic who does not agree with the Roman church.
27. That he may absolve the subjects of the unjust from their allegiance.

Vast Scope of Gregory's Policy.

From this scheme it is clear that the aim of Gregory's policy was nothing short of a complete subjugation of every earthly power to the final arbitration of Rome. If it could have succeeded we should have had in Europe simply a monstrous theocratic government, with its centre at Rome and its branches reaching out into the remotest corners of every Christian state. Such a theocracy, holding in its hand all the learning of the day, supported by the only compact legal system then in existence and able at any moment to call down upon its enemies all the spiritual terrors that a superstitious age most dreaded, might well seem to realize the political ideal towards which the Roman church from the time of Gregory the Great had been moving. Such an ideal was utterly opposed to any variety in human life; nationality, with its appeal to local patriotism and its encouragement of differences in development of every kind, was the natural enemy of such a scheme. And even more hostile must be all that wide-reaching activity, which we call "individualism"; a thinking man was the most deadly foe that such a dead-leveling plan could raise up against itself.

The mere announcement of a programme like this would probably have been fatal to Gregory's hopes and there is no evidence that it was ever put forth before the world. Its value to us is as a summary of the ideas which underlay the actual working policy of Gregory VII. There is no one of his acts as supreme pontiff which cannot in one way or another be brought under some one of the rubrics of the "Dictatus." The proclamation against the lay investiture was a general one, directed no more against Germany than against every Christian state; but circumstances had combined to make Germany a particularly tempting mark for the papal weapons. The fact alone that Germany laid a claim to the empire, as yet practically uncontested, pointed her out as the country in which a victory of the papal ideas would be especially valuable. Further, there was a prospect that the prime condition of papal success, the alliance with rebellious subjects, could better be attained in Germany than elsewhere.

Special Hostility to Germany.

The decree of 1075 reached Germany at a time when its effect could hardly be very satisfactory. Henry had just come out of his first brush with the Saxons entirely victorious. The rebel army had been defeated in battle, the Saxon chiefs had been captured and were in safe-keeping in the hands of trusty persons in various parts of the kingdom. Naturally this victory had not been gained without exciting new enmities, which were sure to be used against the king, but for the moment Henry was stronger than at any time since his accession. The tone of his correspondence with Gregory at this time is so moderate and conciliatory that it brought upon him later the accusation of double-facedness, but it would seem to be rather the language of a prince who had no wish to provoke a conflict, though he was fully prepared to maintain his rights in case of attack. Still as before we find Henry investing the highest clergy with their offices; a bishop of Bamberg, the abbots of Fulda and

Henry IV neglects the Decree of 1075.

Lorsch in Germany, the bishops of Spoleto, Fermo and Milan in Italy, all received their investiture after the decree of 1075 and entered upon their offices as direct dependents of the empire. At the same time it is to be noticed that all these candidates were persons of unblemished character and were put into their places without a suspicion of simony. Indeed the efforts of Gregory to remove the former bishop of Bamberg on the charge of simony had been heartily seconded by Henry. In short we have here simply the continuation of the policy of Henry III, to appoint the higher clergy, but to do it with clean hands. It seems altogether likely that if Henry III had lived out his time, the investiture conflict would have arisen just the same; the outcome of it might have been different.

Open Conflict between King and Pope.

The open conflict between king and pope was delayed as long as possible under the formalities of a secret correspondence, in which both parties seem to feel the inevitable outbreak, but equally to dread it. Each sought in secret to test the natural allies of the other. Henry kept in touch with Milan and even sent proposals to the Normans, that they should transfer their feudal allegiance from the pope to himself. The old Roman party, always nursing its hostility to the papacy, began to show its hand under a member of the Crescentian family. It was not a favorable moment for the papal attack, but Gregory could delay no longer. In the first days of the year 1076, ambassadors from him reached Henry at Goslar, bringing a formal letter and also verbal instructions to the effect that the king must renounce his right to the investiture of bishops, must banish the excommunicated counselors from his court, and must present himself before the pope to seek absolution for his notorious sins. If he should do this the pope would go no further; if not, then at the next Lenten Synod the threatened excommunication should surely come. It will be noticed that the pope, following the precedents of Nicholas I, made the whole matter turn upon the personal character of the king, thus supplying the pretext of moral discipline which had always been the entering wedge of the papal diplomacy.

National Enthusiasm in Germany.

The reception of the papal assault in Germany was discouraging in the extreme. The king and his council, especially the clerical members, displayed a vigor and a sense of nationality altogether surprising. Without a moment's hesitation they determined to make this a national question and to lay it before a council of German bishops, to be called by the king as early as possible. The result was the Council at Worms, held in the month of January, 1076. An immense majority of the German clergy, both secular and regular, answered the summons, and the action of the council seems to have been surprisingly prompt and unanimous. The accusation against the pope was presented by an Italian, the cardinal Hugo (*Candidus*), and consisted in a sweeping arraignment of his past life, his uncanonical election, his abuse of power in all directions, and especially the unheard-of innovation that he alone is the source of the episcopal power. Thereupon the bishops and the king declare themselves absolved from their allegiance to Gregory, and in an elaborate defense explain their reasons, dwelling with especial emphasis upon obligations into which Hildebrand was said to have entered that he would never allow himself to be made pope. The letter of the bishops was sent on to Rome with another from the king enforcing its positions and declaring the pope deposed from his office. At the same time Henry sent another letter to the "Romans" urging them to give him their support and to withdraw their allegiance from Gregory.

National Council at Worms. 1076.

The Direct Issue avoided.

The careful student of this correspondence cannot fail to be struck by the emphasis which on both sides is laid upon the personal character of the opponent. The pope demands from the king a public absolution for his sins, the banishment of evil counselors and a proper treatment of his subjects. The king will depose the pope because he is a bad man, who has got his office uncanonically, who has usurped rights over the Roman people and who leads an immoral life. The real constitutional questions, which alone can interest us, are held in the background. If, however, we have followed the continuity of events, the true issue cannot be doubtful. The empire could get on very well with an indifferent pope, provided it were left in the enjoyment of its local political rights; the papacy cared little whether a king were good, bad or indifferent, so long as its prerogative could be maintained and extended. The moral grounds were on both sides a pretext, not a reason, and, therefore, the labors of the advocates of king and pope to show that these grounds were not well taken were and are so much wasted trouble.

Gregory deposes and excommunicates Henry.

To such an attack as this of the Germans there could be but one answer. The Lenten Synod at Rome received the letters of the bishops and the king with the wildest demonstrations of hostility. Only Gregory's personal protection saved the ambassadors from instant death. With the approval of the synod the pope issued at once a formal decree of excommunication against the king, and released his subjects from their allegiance to him. By this action the theory of the relation of the two parties was completely reversed. The bishop of Rome was no longer the chief prelate in a state, to the head of which he was responsible; rather, the state was a subject of the papacy, and all the bonds between ruler and subject might be loosed at any moment by the mere will of this all-powerful dictator.

Undoubtedly this theory of the papacy had been greatly strengthened by the development of feudal ideas. The ease with which the allegiance of any vassal could be transferred from one lord to another had accustomed society to this loose conception of all political relations. If allegiance was indeed a thing depending upon conditions and not upon an essential union of rights and duties, then, if subjects could be persuaded that the implied conditions were not fulfilled, the breach of allegiance was justified at once. That was the logic of the situation, and the papacy under Gregory VII was the power most capable of applying it.

Effect of Feudal Ideas on the Papacy.

It has been the fashion of historians to trace all the subsequent incidents in this great struggle to the effect of the excommunication; and there is no doubt that it was forced into the foreground of events as the dramatic point about which the politics of the moment might gather. It is easy for the historian to paint the superstitious terrors called forth by this dreadful threat, and to explain everything by them; but such effects are extremely difficult to verify, and as one watches the really telling moments of the conflict, it seems to go on without much actual reference to emotional considerations.

Effects of the Excommunication

The most interesting question was, of course, how the decree would affect the relation of Henry to his subjects. There can be no doubt that within a very short time Henry was deserted by very many of those who had hitherto stood by him, yet in most cases the excommunication appears only to have given a pretext for a rebellion which is in character precisely the same as those which had kept Germany in a turmoil for a hundred years. It is idle to talk of loyalty to the crown at a time when that virtue, in the sense of a later day, was unknown. The question of the allegiance of a territory or

Upon the Allegiance of the Germans.

a prince was always a question of expediency, not of sentiment. Still more evident is the feeling in Lombardy. Immediately after the publication of the bull an assembly of the Lombard clergy came together at Pavia, and, in so many words, declared the pope deposed and excommunicated; the ancient right of any portion of the church to exclude another portion from its communion was here declared in the plainest terms. At Rome itself the prospect for the king was less hopeful. The Crescentian party, hostile as it was to Gregory, was equally disinclined towards an imperial control of the papacy, and, therefore, of the city.

In Lombardy.

At Rome.

A second German council at Mainz, in July, 1076, added to the sentence of excommunication against Gregory that of deposition as well, but did not offer to the king the kind of support that could warrant him in taking up arms against the pope. This seems to have been the fatal point in Henry's policy; if he had thrown himself upon the support of the Lombards and summoned what was left him in Germany to follow him, it seems likely that he could have made, at all events, a very vigorous demonstration. Instead of this he gave the rebellion time to organize itself. The centre of opposition was by this time changed from Saxony to Swabia, and all seemed to point towards a general desertion of the king and the election of a new ruler. Under the influence of these ideas the leading princes of Germany, lay and clerical, came together in October at Tribur, near Mainz, and, while the king with his few remaining followers awaited the issue at Oppenheim, just across the Rhine, proceeded to a general discussion of the situation. A legate of the pope took the most prominent part, and one might suppose that the principles of the previous year were wholly forgotten. Still the

Henry's Resources begin to fail.

The Oppenheim Agreement.

assembly hesitated to name a new king. If there was any principle in its action it seems to have been the same that had so often governed German policy, to gain all it could for the order of the princes while still preserving the form of a monarchical government. Active negotiations were kept up with Henry, and a final agreement was reached whereby he was to be kept practically in confinement at Speier, and, unless he should get himself freed from the excommunication before the twenty-second of February next following, his subjects should be free to consider themselves absolved from their allegiance. Individual princes seized the opportunity to force from the king substantial advantages for themselves. The Oppenheim agreement must be regarded as a demonstration of the German princes against the integrity of the kingdom itself.

Henry's Escape from Speier.

Henry, apparently following the dictation of the princes, retired to Speier and refrained from all public acts, but was far from giving up the fight. The princes had, among other things, invited Gregory to come to Augsburg in the early part of February, and there, presiding over an assembly of Germans, to settle once for all the questions at issue. Nothing could have been more agreeable to Gregory's policy than such a step. Henry, on the other hand, desired above all things to avert precisely this mode of settling German affairs as establishing a precedent of the utmost danger. He opened secret negotiations with the pope, and even went so far as to promise to come personally to Rome and seek there the absolution demanded by the princes. This proposition Gregory distinctly rejected, and thus the issue takes, for the moment, the form of a race between the two central personages of the drama, which should get first into the territories of the other and thus prevent his opponent from taking the journey he had so much at heart.

The Journey to Canossa.

Just before Christmas of 1076, Henry, with his wife, their infant son, Conrad, and one or two servants, left Speier and hastened over into the friendly country of Burgundy. He spent Christmas at Besançon; then, with a considerably increased following, set out on the passage of the Mont Cenis. The description of the journey by Lambert of Hersfeld is dramatic in the extreme. The winter was one of unusual severity, and the ascent of the pass was possible only in the face of the greatest dangers. It was, however, successful, and Henry found himself at once among friends. The Lombards, seeing in him their deliverer from the Pataria and its papal supporter, flocked to him in great numbers and called upon him to lead them in a direct assault upon the pope. Henry declined all these offers, declaring that his only object in coming to Italy was to free himself from the papal ban. Again this seems like a mistaken policy, but if we can take it as an indication that the king recognized his true source of power to be in Germany and nowhere else, we may regard it as a sign of true political wisdom.

Gregory on his Way to Augsburg.

Meanwhile Gregory, too, had been in motion. Hardly had he despatched his message to Henry, refusing to hear him in Rome, when he set out on his way northward. He had sent word to the German princes that he would be in Lombardy by such a day, and would await an escort from them to see him safely over the mountains. As far as Mantua he had the security of the countess Matilda's territory, but in Lombardy he was on dangerous ground. The escort from Germany did not appear, but instead came the word that Henry had escaped, was on his way, had already crossed the Alps, and would soon be face to face with the pope. Gregory was forced to give up his cherished plan, and withdrew into Tuscany to a strong castle of the countess at Canossa.

Here Henry sought him out, and at once made application for the absolution. Gregory was fairly caught. He made a decent show of resistance, but there was no conceivable ground upon which he could refuse to absolve a sincere penitent. For three days, so runs the account, he kept the king waiting in his penitential dress in the court-yard of the castle, then admitted him, and, in the midst of an assembly, which, in good mediaeval fashion, was dissolved in tears, released him from the ban of the church and administered to him the sacrament of the Eucharist. One version of the story adds that this administration of the communion was made use of as an ordeal, and that Henry failed to pass the test.

The Proceedings at Canossa.

The day at Canossa has always stood as the central point in the great conflict of the investiture, and, however we may look at it, it is a momentous crisis. It has usually been treated as the greatest of all the triumphs of the papacy over the temporal powers, and, dramatically considered, it was so. It was the public demonstration that an excommunicated king could not, in the eleventh century, get on with his subjects, — not because these subjects made any superhuman demands upon the character of the king, but because the excommunication offered them an excuse, always welcome in that day, for the breaking of inconvenient ties. On the other hand the circumstances of the absolution at Canossa were such as to take away from it much of its value to the pope. After all, he had been outwitted. The splendid demonstration he had promised himself as head of a council on German soil, settling the affairs of Germany from that lofty vantage-ground, had been denied him, and that opportunity was never to be regained. The king had by this clever stroke taken away from his subjects the pretext for rebellion and might now claim from them the fulfillment of their promises

Who gained the Day at Canossa?

conditioned upon his absolution. His moderation in not seeking military support in Lombardy must, it would seem, commend him to a great patriotic party in Germany.

Continued Conflict in Germany.

So, perhaps, if there had been a patriotic party in Germany, it would have welcomed back its king, now that he had made his peace with the church, with hearty enthusiasm. In fact, the best proof that the excommunication was not the cause of Henry's misfortunes, is that when it was removed, not the slightest change in the attitude of German parties was to be perceived. On the contrary, the hostile elements only put forth renewed efforts and within a few months went so far as to set up a rival king. Rudolf of Swabia, carrying with him the lay nobles of upper Germany and the great body of the low-German Saxons, was elected king with the approval of Gregory and at once proceeded to seek the active support of the papacy. Gregory, however, still anxious to act the part of judge in German affairs, reserved his decision as long as possible, but, finally, at the Lenten Synod of 1080, again declared Henry deposed and excommunicated, and recognized Rudolf as king. Another illustration of the peculiar nature of the papal excommunication:—it seems to have had no effect whatever. The party issue was so clearly defined that neither side could be much helped or hindered by the papal action. Indeed Henry was at this moment stronger than he had been before; the greater part of the German clergy still stood by him and it will probably not be far from true, if we think of him as the defender of the newly formed, as yet undeveloped, sense of political rights in the city populations of the West.

Rudolf of Swabia as Rival King.

1080.

The personal struggle, therefore, takes on the character of a real political conflict. From a military point of view it was Henry's great object to avoid a coalition of the two ends of his kingdom and with this purpose he gathered his forces in the central region of Thuringia, met there the combined armies of Rudolf and the Saxons, was thoroughly beaten by them in open fight, but left his rival dead upon the field. The later royal tradition had it that Rudolf, having lost his right hand in the battle, declared that it was only a just retribution for having broken the oath which that hand had sworn. The hero who struck off the king's hand was said to have been that Godfrey of Lorraine, who was destined later to wear in fact, though not in name, the crown of the Latin kingdom of Jerusalem.

Defeat and Death of Rudolf.

There were those who saw in the death of Rudolf a judgment of God, but even mediaeval ideas could not obscure the fact that the victory had remained on his side, and the party which had lost him as a leader soon determined to try its fortune with another. They united upon Hermann, count of Luxemburg, who for seven years maintained himself with considerable success, but without leaving any strong impress upon the politics of his day. We need concern ourselves no further with his fortunes. Our only interest is to notice that his party stood for a new idea of the relation of Germany to the papacy, which was as yet far from being universally accepted.

Hermann of Luxemburg as Rival King. 1081-1088.

The effort to maintain a German kingdom on the basis of the Gregorian programme had called out all there was of German resistance. A synod at Bamberg, another at Mainz, attended by a majority of the German episcopate, had declared Gregory deposed from the chair of Peter and called upon the clergy of Germany and Italy to unite in choosing a proper person in his place. At Brixen in Tyrol a great assembly of German and Lombard bishops renewed the sentence of deposition

Election of an Anti-pope. 1080.

and elected Wibert of Ravenna, a man who for years had been the chief representative of the imperial cause in Italy, as rival pope. The answer to schism in the empire was schism in the papacy. The electoral system had plainly its inconveniences as well as its advantages for both institutions. In spite of efforts to fix the electoral process in both cases, it was clear that on this point there was still hopeless confusion. The cardinal college plays no part whatever in the matter. Nor do we as yet discern anything like a college of electors in Germany; it was such crises as this that were slowly educating both empire and papacy up to constitutional ideas of government.

Henry in Italy. 1081.

The elevation of an anti-pope carried with it the duty of seeing him safely into his chair, and Henry, immediately after the death of Rudolf, found himself in condition to attempt the rôle of his father. As he crossed the Alps for the second time, his following, though small, was faithful, and his reception by the Lombards was again enthusiastic. Ravenna received him with open arms. Tuscany, where the city element was already showing itself hostile to the "great countess," made no resistance and Henry found himself at the gates of Rome, in full expectation that he would be received there also as a deliverer from the tyranny of a pope who had never yet fully identified himself with the interests of the city. These hopes were bitterly disappointed; the Gregorian party was for the moment strong enough to refuse the demand of Henry, based upon his descent, that he should be admitted and crowned as his predecessors had been.

It was to be three years yet before the imperial crown should be won, three years of incessant scheming on both sides, during which the great resources of the greatest of popes were displayed to their very utmost. In this interval we find Gregory in an unbroken series of negotiations, with the Normans, with the Greek empire, with the German princes supporting Hermann of Luxemburg, with France and England and the countries along the eastern frontier of Germany; all this restless activity centering in the one purpose of keeping Henry out of Rome, and of presenting the papacy to the world as the one central directing force of western Christianity.

The Struggle for Rome and the Empire.

On the other side, the energy of Henry IV had never been so effectively displayed. During these three years he never left Italy; now in Lombardy, keeping up the courage of the anti-papal party, now in Ravenna, securing to himself the allegiance of the petty princes and cities that had fallen away from the papal allegiance, now in Tuscany, sustaining the growing independence of the cities, aiding unconsciously in all these cases the development of a power that was to be the most deadly opponent of the imperial claim in Italy. At last, in the spring of 1084, the citizens of Rome were tired enough of the situation to desire at least a change, and through their connivance Henry was admitted into the city. Wibert the anti-pope was with him, and a repetition of the events of 1046 seemed to take place. The new pope was recognized by the Romans and for his first act crowned the king and queen with the imperial insignia, which for nearly thirty years had been without a bearer.

Henry's Capture of Rome.

Gregory was driven into the castle of St. Angelo, and was able to hold the place until the help from the Normans, on which he had counted, should arrive. Robert Guiscard, at the moment occupied with ambitious schemes in southern Greece, hurried back into Italy and at the head of a large mixed force, lured to his banner by the delightful prospect of plundering the holy city, appeared before the southern gates of Rome. Henry, meanwhile, not equal to this new danger, had set

The Normans capture and plunder Rome.

out for Germany, leaving the anti-pope, Clement III, strongly placed at Tivoli. The Norman deliverers got themselves into the city by treachery, and at once showed the true character of their deliverance. Not to Rome, but to the papacy of Gregory, had they sworn allegiance; Rome had rebelled against their lord and should suffer for it. For days the city was given up to such a wholesale carnival of violence as it had not seen since the times of the Ostrogoths. Whatever of loyalty to Gregory was left at Rome was scattered by these events, and his only hope was in the devotion of his Normans. With them he left the city of his ambitions and wandered into an exile, that was destined, happily, not to be of long duration.

Death of Gregory VII at Salerno.

Gregory, in exile at Salerno, seemed to have lost nothing of his former energy. The message which he sent out by legates to all the princes of Christendom was not one whit less defiant or less self-confident in its tone than the documents of his earliest years. He summoned the faithful by every argument at his command to gather an army and come to the relief of their suffering head. The whole spirit of the crusades is in this last trumpet call of a great leader who feels his strength slipping away, but knows that he is leaving behind him a cause greater than himself, and wishes to hand it on, unstained by one shadow of a doubt, to a generation that shall be more fortunate than his own. The consciousness of approaching death was strong upon Gregory, and from all sides the leaders of his party came flocking about him seeking his advice for the crisis they all expected. Gregory seems to have made no specific nomination for the succession; he died on the fifteenth of May, 1085. "I have loved justice and hated iniquity, therefore I die in exile," were the last words of the greatest man of his time, one of the greatest of all time.

Within a few months of the death of Gregory, died, also, Robert Guiscard, the actual founder of a great kingdom, whose ambition, however, could not rest satisfied within the limits of his own foundation, but dreamed of conquest in those far-off eastern lands about which the glamour of the crusading period was already gathering. The disappointment of these ambitions, and the death of Robert in the midst of them, were probably the most fortunate results possible for the real development of the Norman kingdom. Its history for a hundred years from this time is one of a steady progress, in many ways similar to that which under such very different conditions was going on under the first Norman kings of England. The wonder is that with so favorable a beginning the future of the Italian peninsula was not more distinctly influenced by its largest and most compact territorial sovereignty. Italian unity was to come, not from the south, but from the farthest north.

Death of Robert Guiscard. 1085.

We continue to follow the thread of the investiture quarrel as giving us the best clue to the larger politics of Europe. For twenty years after the death of Gregory, Henry IV continued to hold his own against a series of adverse factions which, one after another, took shape against him. We may properly think of the king as representing a set of ideas as to the nature of the German kingdom, which had come down from the days of the Ottos, but which were opposed to the new condition of things brought into being by the growth of the feudal relation and its extension into the affairs of the church. If we look through the mist of personal motives, dynastic ambitions and religious hostilities, that enwraps the movement of events in this interval, we shall be able to discern certain radical changes which were coming over German political life. Roughly speaking, we may say that the king was usually in alliance with the majority of the higher clergy

Development of Parties in Germany.

and with the rising city elements of the Rhine and Danube countries, while his opponents were generally the lay nobility, especially in upper Germany, these in turn seeking alliance with the great clerical reform movement, and joining hands with the vast agricultural population of lower Germany or Saxony.

"Landfrieden" and "Gottesfrieden."

It would not, probably, be far out of the way if we think of the king as standing for the idea of the "Landfrieden," or "the king's peace," that is, the administration of the government on the basis of a strong central power, insisting upon obedience to the law and capable of enforcing it; while the parties opposing him represent the idea of the "Gottesfrieden," that is, the maintenance of order by means of an agreement among equal powers based upon religious motives. At all events, this is an extremely instructive point of view, and helps us to see some meaning in the apparently petty squabbling with which the latter years of Henry IV are filled.

The Succession of Parties against Henry.

Down to 1088 it is Hermann of Luxemburg about whom the malcontents rally, but this is plainly a royalty with no heart in it. The death of Hermann obliged these hostile elements to cast about for another figure-head. At almost the same moment died Pope Victor III, the successor of Gregory, who had never been able to oust Henry's pope, Clement III, from his position in Rome. The Gregorian party now put forward their strongest man, the bishop of Ostia, a French monk of Cluny, who, under the name of Urban II, the pope of the first crusade, was to lead in the triumphant vindication of the Hildebrandine policy. One of his earliest moves was to bring about a marriage between the great countess, now a woman of forty, and the seventeen-year old prince, Welf (Guelf) of Bavaria, whose house had long been a centre of opposition to Henry in Germany. The king's answer to this was another expedition into Italy, which nearly succeeded in breaking the combination and securing the lands of Matilda to the empire,—nearly, but not quite; in the midst of success the situation was suddenly changed by a new demonstration of the monastic reforming party. Lombardy, which until now had stood by the empire, was completely carried away by this fresh enthusiasm. A group of Lombard cities, headed by Milan, formed a league for twenty years against Henry, and, hardest blow of all, his son Conrad, whose education had been chiefly in Lombardy, joined himself definitely to the papal party.

Urban II as the Leader of Romanic Christianity.

Not until the sixth year after his election did Urban II gain an entrance into the Lateran, while the party of the imperialist pope still maintained itself in Trastevere. Early in 1095 he left Rome again on that memorable journey to France, by which the position of the papacy as the moving power of western Christendom was to be displayed as never before. His first demonstration was at Piacenza, where, in the great plain which was to be the scene of so many similar gatherings, he found himself surrounded by all the strongest elements of the empire. He once more excommunicated the emperor, and here, for the first time, called upon the nations of the West to rally in support of the hard-pressed empire of the East. At Cremona, the young Conrad, already crowned king of Italy by the bishop of Milan, held the stirrup of the pope and bound himself by an oath, similar to that of Robert Guiscard. The pope promised him the imperial crown at Rome, reserving, in strictest form, the claim of the papacy to the episcopal investiture. A marriage between Conrad and an infant daughter of the Norman count, Roger of Sicily, seemed to place at the service of the papacy such a combination as it had never been able to command before. At Milan the archbishop did penance for having received his investiture from the emperor, and then, in company with the pope, celebrated with the greatest pomp the elevation of the demagogue Erlembald, the fiery leader of the early Pataria, into the ranks of the martyrs. For the first time in history the Ambrosian church was completely under the influence of the Roman policy. At this moment all the resources of Italy, from the remotest south to the Alpine valleys of the north, were at the disposal of a papacy, which seemed great enough to gather them up into one vast undertaking.

The Council at Clermont. 1095.

From Lombardy the papal triumph passed over into Burgundy and France. All up the Rhone valley, without a protest from the lord of the land in his retreat in Tyrol, the pope appears, granting privileges, settling disputes, dedicating churches, as if there were no sovereign of Burgundy but himself. At Clermont, in Auvergne, he found himself again in the midst of an enthusiastic throng from all the lands of southern Europe; for, though this was proclaimed as a general council, there was practically no representation from Germany or from England. The earliest business of the council, sitting on French soil, the attendance of the French clergy being authorized by the king, was to excommunicate that king for his private sins, without, however, declaring his subjects released from their allegiance. The three great principles of the Cluny reform, the canonicity, the chastity and the "liberty" of the clergy, were once more proclaimed in their full scope and their absolute imperativeness. The opposition of the French clergy to the Cluny attack seemed totally overcome.

Finally, it was to an audience already wrought up to the highest pitch of religious fervor that this pope of Cluny made his appeal for the dedication of the arms of western Christendom, no longer to the selfish aims of personal or partisan warfare, but to the redemption of the holy soil of

Jerusalem from the pollution of the infidel. It has been the service of recent historians to point out the practical economic, military, social and personal motives of the crusading spirit; but if we have followed carefully the growth of religious sentiment from the beginnings of the Cluny reform, it will be clear that the very ideality of this demand, its freedom, for the moment, from every admixture of practical considerations was precisely the element in it which called forth the unanimous and almost frantic enthusiasm of that great assembly. It was not the charm of adventure in the romantic regions of the Orient, nor the hope of plunder, nor the superstitious terrors of the church, that drove men to renounce their mutual strife and enroll themselves under the banner of the cross; this was one of those moments, not so infrequent as some historians would have us believe, when a great ideal, representing some precious thing to men, seizes upon them and sweeps them away beyond the reach of all practical considerations, out into an unknown world of aspiration and of hope. The cry of the fighting-men at Clermont, "It is the will of God," represents, we may be sure, with entire accuracy, the dominant motive of the early crusading period.

The Proclamation of the First Crusade.

The reaction of this religious impulse upon the fortunes of the emperor was less disastrous than might have been expected. The crusading impulse affected mainly the Romanic peoples of Europe. For the present, the Germanic countries were hardly touched by it. If we think of Clermont as marking the definite loss of that control over the papacy which had been the most striking feature of the empire of the Ottos and of Henry III, we may also date from this time a new epoch of internal development for Germany. The energy of the papacy was for the moment wholly devoted to the

Last Rebellion against Henry IV.

crusade; the Italian kingdom of Conrad proved to be a sham affair, held together by no permanent ties, while the German nobility, never extravagantly papal in its feelings, turned for a while, with something of its ancient attachment, to its thoroughly German emperor. The years from 1095 to 1104 were the most peaceful of Henry's troublous reign. In 1098 the German princes definitely excluded prince Conrad from the royal succession, and a year later crowned the second son, Henry, as their king and future emperor. At the death of his pope, Clement III, in 1100, Henry made no attempt to continue the opposition to the Gregorian party, and seems to have intended seriously to go once more to Rome and there seek a definite settlement of the still pending difficulties between empire and papacy. Meanwhile a new rebellion, the last, was preparing. If Henry IV was the champion of the great artisan and peasant elements of his kingdom, Henry V began, during his father's lifetime, to ally himself with the class of the lay nobility, and to foster their opposition to the more popular policy of the emperor. If we may believe the author of the *Vita Henrici*, the issue was still between the idea of a government that should be strong enough to be the champion of the oppressed everywhere and the sense of independence among the great class of the free nobles, whose only idea of a government was that of an agreement among themselves, sanctioned by a religious bond.

Deposition and Death of Henry. 1106.

On some such issue as this Henry IV fought his last fight; at first with some success, in the region of Cologne and Liège, where he had ever found his best support. Finally, as if worn out with the long struggle, he gave up his crown to his son and withdrew himself from further action. His friends kept up the contest a little longer, but his death at Liège in 1106 scattered the last remnants of opposition to the young king, who entered upon his reign encumbered by allies whose usefulness to him ceased when he in turn took up the line of the imperial claims. From this time on, until the break-up of the mediaeval empire, after the downfall of the Hohenstaufens, whenever an emperor had got his power through a papal alliance, he invariably found this alliance impossible the moment he undertook to govern. It was the best proof that these two institutions represented ideals that were irreconcilable. If our impression of Henry IV has been the true one, we may explain the usual historical misrepresentation of him quite easily. The classes of society whose interests he defended had no organs of expression, while those which he attacked had command of all the resources of literature, and have made the record for all time. The fate of Henry was that of every one who, in an age of purely clerical learning, dared to oppose himself to the organized church.

Henry V as Gregorian Emperor.

The rebellion and the accession of Henry V had taken place under the direct inspiration of the Gregorian papacy, now in the hands of Paschal II. The immense success of the first crusade had given to the papacy a prestige hitherto unequalled. It might with reason think of itself as the centre of western Christendom, and hope for even greater triumphs. The renewal of the prohibition against the lay-investiture by Pascal in 1106 was a public declaration that the Gregorian policy was not to suffer at his hands. In every country but Germany this branch of the reform had gone on to almost complete success, and Pascal might well expect from a German king who owed everything to him, a prompt recognition of his claim. Directly the contrary took place. Henry V found himself thrown, in almost every particular, upon the same elements of his kingdom that had supported his father. He put himself at once into intimate relations with the great city communities of the West, which, like their brethren of northern Italy and France, were beginning to feel the breath of a new political life.

Henry V in Arms against the Papacy.

Furthermore, Henry was able, as his father never had been, to control the masses of fighting-men, created by the feudal development and ready to fall in with any military undertaking that gave an outlet to their warlike ardor. Elsewhere this outlet had been furnished by the crusades; here it came in the form of a grand Italian expedition of the good old sort. Henry's summons in the year 1110 was answered by a force of thirty thousand men, which, passing over the Alps in two columns, carried all before it. The Lombard communes sent in their allegiance and contributions. Novara, resisting, was destroyed. One feels here in advance the temper of the Hohenstaufen era. The "great countess" submitted and offered troops, which were refused. From Sutri, on the Roman border, Henry began negotiations, at first, as his father had done, secretly, over the heads of his own subjects, eager, as Henry IV had been, to make a combination with the pope that should insure him against all rivalry at home.

The Secret Agreement of February 4, 1111.

We have the terms of this secret compact,[1] and very remarkable they are. They contain nothing less than an absolute promise by the papacy that the clerical princes of the empire should henceforth abandon all temporal possessions which they had received from the empire since the days of Charlemagne, and should content themselves with their income from tithes and the gifts of pious persons. In return for this surrender, the king should abandon all claim to the investiture, and should guarantee to the papacy the full enjoyment of all its possessions and rights. This compact was then publicly proclaimed at the coronation of the emperor on the 12th.

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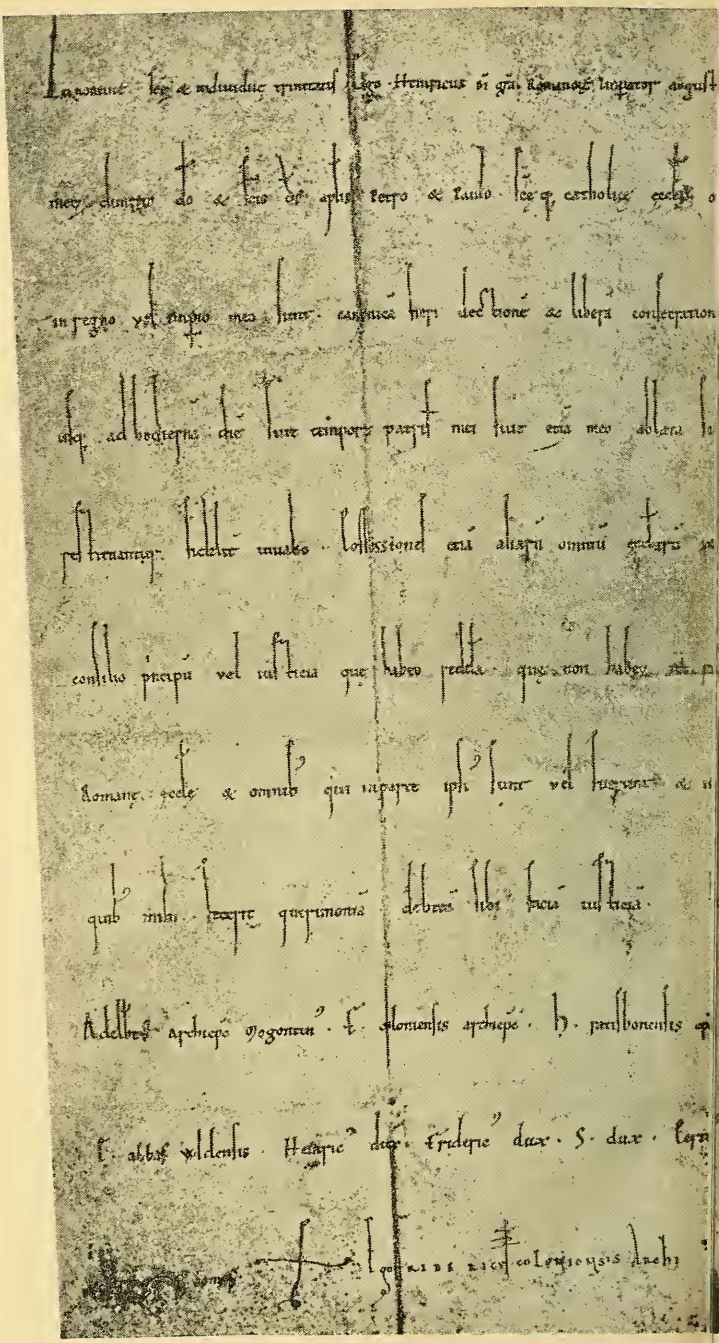
[1] Mathews' Select Documents, pp. 61–68.

It will be seen that it went to the very root of the matters in dispute. If the clerical princes were to lose their temporal possessions and functions, and confine themselves strictly to their spiritual office, then there was indeed nothing left to quarrel about. They ceased then to be princes, and there was no reason whatever why the king should not be willing that they should get their consecration where they pleased. The pope, too, might well be content with an agreement which cost him nothing, which secured him in the enjoyment of the papal property, and gave him an indefinite prospect of control over the vast spiritual army of the empire.

The Agreement of April 11, 1111.

The weak point in the compact was that it sacrificed a class little inclined to let itself be sacrificed. The clergy of Italy had already suffered so much in precisely this way from the growing cities, that they were little concerned, but the German bishops and abbots had no idea of giving up the princely character which had cost them so many generations of struggle. They protested that this agreement, entered into without consulting them, was nothing less than heretical, and the king was forced to give way. He pressed the advantage of his position, however, to force the pope into a second compact, by which the full right of investiture was surrendered to the empire. This seemed like a complete imperial triumph, but the immediate result was to revive the antagonisms of the previous reign. The German princes, lay and clerical, wanted then as they had before and have done ever since, a leader who should not govern, but should get on as he might, leaving them to enjoy an ever increasing independence. A rebellion, finding its support in precisely the same elements of the territorial nobility which had fought Henry IV, was formed against his son, and he in turn continued to find his support in the great industrial population of the Rhine valley.



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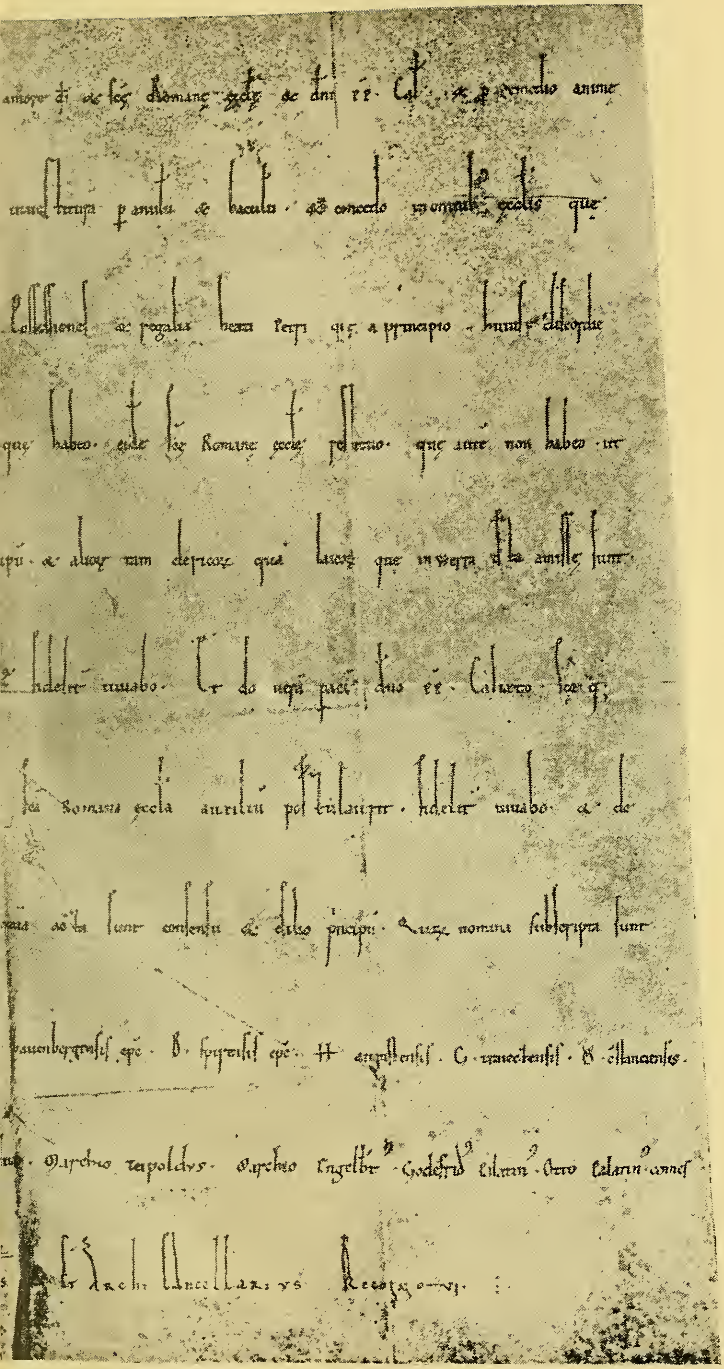

CONCORDAT OF WORMS, 1122.

Final Settlement of the Investiture.

One by one the great lay princes fell away from the king, and more and more he sought to strengthen himself in Italy. At the death of the countess Matilda he succeeded, with the help of his Lombard allies, in getting hold of her territory; at Rome he set up an anti-pope against the successor of Paschal and returned to Germany, prepared to settle, once for all, the whole question of the investiture. The pope, Calixtus II, though a Burgundian and a friend of Cluny, was, on his side, ready to make concessions. The plan this time, though less thoroughgoing than before, was based on a similar distinction between the clerical and the political functions of the clergy. It did not call upon them to resign their civil position as princes of the realm, but it asked them to admit the feudal rights of the king, while, at the same time, it permitted them to base their spiritual office on the papal sanction. At a Diet at Worms in 1122, in the presence of a great representation of the German princes, the emperor declared his willingness to give up the investiture "with the ring and the staff," that is with the spiritual functions, provided that the election should take place in his presence or that of his agents, and that should invest with the sceptre, that is with the imperial rights.

The Concordat of Worms. 1122.

This was, so far as formal agreements could end it, the end of the great conflict which for more than half a century had been the chief political interest of the empire. It was a compromise on both sides. The essential character of the churchman as a feudal prince was not touched by it, and in the future as in the past, the relation of this class to the imperial government was often a matter of great uncertainty. The difference was that now the concordat furnished a legal basis for the decision of any given case, and unquestionably both the leading powers were convinced that their interest lay in avoiding, as far as possible, any open rene[illegible] of a conflict that had cost th[illegible] such terrible sacri[illegible]

CHAPTER IX.

THE HOHENSTAUFEN POLICY IN GERMANY AND ITALY.

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Transition from the Former Period.

The Concordat at Worms marks the definite ending of the first stage in the great conflict of Church and State, which is the main interest of our narrative. During that stage the empire, first under Henry IV, and then under Henry V, had stood as the only effectual barrier against claims which implied the utter subjection of all temporal powers under the dictation of the Roman clerical system. At one moment it had seemed possible that the knot might be cut by giving up all those contradictions in both empire and papacy which lay at the very root of the difficulty. The agreements of 1111 had suggested a possible separation, once for all, of the temporal and spiritual; Caesar should have his own, and God, — that is to say, the church, — should have his own and no more. The complete and immediate failure of this scheme shows how entirely it ignored the actual situation. The close interweaving of spiritual and temporal motives was, for good or ill, an essential feature of mediaeval life, and the great political problem must be worked out on that line, if at all. The Concordat of Worms was the formal declaration of this fact. The clergyman was recognized as a dual personality, owing the sanction for one side of his activity to the temporal, and for the other to the spiritual authority.

"Guelf" and "Ghibelline."

As we enter upon the next stage of European politics, it is important to notice the situation of parties again. Indeed, it has already been outlined; the conflict of the royal with the territorial powers in Germany and Italy, which had taken definite shape under Henry V, becomes permanent, but assumes new and ever varying forms. In the main, it may be described by the terms "Guelf" and "Ghibelline,"[1] the former denoting, in Germany, that opposition to the Hohenstaufen policy which gathered about the princes of the House of Guelf, the latter, the allegiance to an idea of the kingdom which was the continuation of the Salian idea, adapting itself to a changed order of things. In Italy the term "Guelf" came to mean the interest of the papacy, but also and with equal significance, the interest of the new industrial civilization of the cities, while "Ghibelline" became the party name for the Italian imperialists, and also for that great class of inherited interests which found their best support in the imperial idea as against both papacy and democracy.

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[1] The derivation of Ghibelline is uncertain. The story of the use of "Waiblingen" as a Hohenstaufen battle-cry has no foundation in contemporary records.

Territorial Development in Germany.

The map of Central Europe at the year 1000, and at the close of the Hohenstaufen period, is the best illustration of the movement of politics in that interval. At the former date, the political units are great traditional territorial masses, Saxony, Bavaria, Allemania, Franconia and Lorraine, each with a sense of almost national unity and led, in its political movements, by a jealous and ambitious local nobility. At the latter, these great masses are broken up into a multitude of petty holdings, in the hands of newly created aristocracy, no less jealous of its rights and far more skillful in enforcing them. This vast development has come about mainly through the advance of the feudal idea, and has gone on, step by step, profiting by every necessity of the monarchy, to wrest from it some new privilege. This necessity was, in Germany as everywhere else, most often the lack of money for carrying on those great undertakings, especially in Italy, for which the monarchy had no resources of its own.

Advance of the Eastern Frontier.

Still more striking is the change of the eastern frontier. At the year 1000 we find Germany bounded by the rivers Elbe and Saale, and by the line of Marks, extending southward from the western line of the Bohemian forest, crossing the Danube at the river Enns, and reaching on to the head waters of the Adriatic. Beyond this line is the great mass of Slavonic and Hungarian (Magyar) population, more or less influenced by its German neighbors, but not as yet definitely incorporated with them. By 1250 we find the German frontier advanced so as to cover the valley of the Oder and the Upper Elbe, and to cross the Danube well below Vienna. The "land below the Enns" has become incorporated into the duchy of Austria, which is soon to extend its hand over all Bohemia at the north, and over Styria, Carinthia, and Carniola on the south. At the far north again, along the shore of the Baltic, the German line has advanced far beyond the Vistula, giving place for the development of a pure Germanic culture on the lands of the heathen Prussians.

The Hohenstaufen Policy in Italy.

All this is an indication of an immense expansion of German life, and it will be our purpose to follow, if we can, the connection of this industrial and popular development with the larger movement of German politics. As regards the connection with Italy, we have to trace there the working out of political and social forces, of which we have already noted the beginnings. The spirit of communal independence throughout Italy, but especially in Lombardy, had begun already to influence the policy of Conrad II. It was overshadowed by the great success of Henry III, whose own resources were sufficient for his purposes. It had offered its services to Henry IV, but with the progress of the great conflict it had been captured by the ascetic reforming party, and had thrown its weight against the empire. It had raised the young Conrad to power, but deserted him when it had no further use for him and now, in the Hohenstaufen time, it was to develop into a vast combination, able to hold the balance between papacy and empire, and, while playing a bold and successful political part, to give an impulse to Italian civilization that was never to be lost. The problem of the Hohenstaufen kings was to assert, over against this communal spirit, the right of the empire as such, and to enforce this right, not merely with the sword, after the fashion of the Ottos and the Henrys, but also with every weapon of legal argument which the new interest in the study of the Roman Law could furnish them.

The Hohenstaufen period begins with the election of Lothair of Saxony. Henry V died childless, but his two nephews, Conrad and Frederic of Hohenstaufen, who had been his chief supporters, were looked upon as the natural heirs of his policy, and, unquestionably, hoped for the election. Once more representatives of the ancient stems came together to discuss the situation, and the process was distinctly an advance upon previous occasions. A committee of ten from each of the four leading stems was selected to make nominations, and presented the names of Lothair of Supplinburg, duke of Saxony, Leopold, duke of Austria, and Frederic, duke of Swabia. With the full understanding that he was the choice of the Roman party, the princes, with the exception of the Hohenstaufen, gave their voices for Lothair.

Election of Lothair of Saxony. 1125.

At the moment of his consecration Lothair was called upon to pay the price of his clerical support. He was induced to make a compact with the papacy by which he gave up that clause of the Concordat of 1122 which required the emperor's presence at episcopal elections, and agreed to invest any person who could prove that he had been canonically elected. In the vacant bishopric of Magdeburg he permitted the appointment of Norbert, founder of the order of Prémontré, the German Cluny, a man utterly devoted to the interest of Rome.

Lothair and the Investiture.

The Swabian brothers had set up the astonishing theory that as heirs of Henry V they were entitled, not only to his private property, but also to those lands which during his reign had been acquired for the empire. This would have given them for their own the whole of the countess Matilda's possessions, the city and fortress of Nuremberg and numerous other valuable holdings. The mere statement of such a preposterous claim shows the incredible uncertainty as to political right that

Claims of the Hohenstaufen.

prevailed in the feudal period. Every kind of power took on a personal aspect. It was easy to say that the empire had acquired a territory; but where was the empire? When the emperor died, what became of the rights which he had held in his hands? There was no permanent machinery of administration, such as we think of as essential to the existence of a state. There were frequently long intervals in which the imperial title lay in abeyance. The very idea of an imperial possession was obscure. Matilda had become a vassal of the emperor; did that mean of the empire? If so, where was the person to whom her lands should offer their service?

The Hohenstaufen Claims defeated.

A diet called before the end of 1125 sustained the king in his contention that the lands in question belonged to him as successor of Henry V, declared the Hohenstaufens traitors and placed them under the ban of the empire. As the most effective counterstroke to their schemes, Lothair married his daughter Gertrude to Henry the Proud, duke of Bavaria, the first in that series of Guelf Henrys who for three generations headed at every point the opposition to the Hohenstaufen policy. The mother of this Henry was a Billing, and through her he inherited as "allode" vast territories in Saxony, notably the Brunswick lands, which later came to be the basis of that kingdom of Hanover through which the Guelf family came to the throne of England. In addition to this allode he received from his father-in-law all the fiefs in Saxony which Lothair had formerly held of the church. This was the foundation of the Guelf power in the north, which was to be the chief agent in the eastward expansion of German civilization. The very nature of his property made the Guelf the natural enemy of the Hohenstaufen and cast him, therefore, as a matter of course, into the papal camp.

Lothair's Treaty with Innocent II.

The Hohenstaufen carried their resistance to the point of setting up Conrad as rival king, getting him crowned in Italy and making a vigorous demonstration in Tuscany, but on the whole failed. Lothair was carried along by his papal-Guelf combination over every obstacle to his coronation by Pope Innocent II in 1133. Already his concessions about the investiture had become inconvenient. The year before he had demanded the restoration of his rights, but had been persuaded to yield. Again, in Rome, the subject came up and a slight gain for the emperor was made. Henceforth no bishop should have the "*regalia*"[1] until the king should have invested him and received from him "what was his due." As to Tuscany: Lothair might take possession of it on the payment of a yearly sum of one hundred pounds of silver to Rome,—but this was only for his life; after his death it should revert to the papacy and should then be given in fief to Henry and Gertrude; upon their death it was to come again to the papacy.

End of the Hohenstaufen Resistance.

These are most interesting negotiations, as showing the peculiar ideas of territorial lordship bred by the feudal system. Our interest in them is chiefly to notice their effect on the parties of the future. The Guelf possessions were now the largest in the hands of any single ruler on the continent. Tuscany, Bavaria and Saxony were a royal equipment. Against this pressure the Hohenstaufen resistance gave way, and in the year 1135 both the Swabian princes sent in their allegiance to Lothair. They were left in possession of the Salian (Franconian) family inheritance and became the faithful supporters of the imperial policy. The final demonstration of the Guelf kingdom was made the following year against King Roger of Sicily, whose very fresh royalty was the creation of the anti-pope Anacletus, while the German power had steadily supported Innocent II, the pope of the Cistercians. The expedition was treated as a sort of crusade, for this Roger, a man of vast energy and resource, had followed the example of the English Normans in making his kingdom a real kingdom, and had not scrupled to employ the arms of Saracen as well as Christian subjects in enforcing the obedience of unwilling vassals. His power extended over the whole of lower Italy and was a continual threat to the papacy, as well as to the principalities of the centre and the north.

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[1] The word "regalia" means here the right of the bishop to perform those functions which belonged to him as a temporal lord.

Conquest of Apulia by Lothair. 1137.

Lothair, bravely supported by Henry the Proud, with Conrad of Hohenstaufen for his standard-bearer, and followed willingly by a very large German contingent, found it possible to raise from the cities of Lombardy money enough to carry him through, and passed along the eastern slope of the Apennines as far as Bari, without resistance. Thence, aided by the fleets of Genoa and Pisa he crossed to Calabria and easily became master of the peninsula. Nothing but the refusal of his army prevented an assault upon Sicily. The emperor had conquered southern Italy; but for whom? Feudally speaking, these lands were the property of the papacy, and when it had been decided to put them into new hands it became a question at once from whom the new owner should receive his investiture. The question seemed transferred from the religious to the political field, and the form of the solution was borrowed from the Concordat. The new duke received the lance, the symbol of allegiance, from the hands of the emperor and the pope at the same moment.

After all a barren victory, for within a few months of the emperor's return these lands were all in the hands of king

Roger again, never for more than a century to pass out of the Norman line. Lothair died on his way home, leaving to his son-in-law, Henry the Proud, the insignia of the empire and the task of carrying on the vast political combinations already prepared.

New Powers in the Northeast.

Far more enduring were certain results of Lothair's policy in the far northeast. The appointment of the Premonstratensian Norbert as archbishop of Magdeburg had been the beginning of a missionary activity among the Slavonic neighbors which was destined to bear the largest political fruits. New monastic foundations, based on the strictest revival of the Benedictine principles of practical devotion, were pushed out into the half-civilized Slavonic lands beyond the Elbe, and became so many new centres of a rapidly developing agriculture. Laborers flocked into these new regions from the more thickly populated parts of Germany, and, more important still, the industrial impulse from Italy and France began to make itself felt even here, and to bring men together into city communities that were fast coming to rival their older sisters of the West.

Election of Conrad of Hohenstaufen.

Saxony, hitherto the most backward of the German stems, was fast taking its place in the van of civilization. The work of Lothair was really the building up of the Guelf power in the north. At his death it had seemed almost a matter of course that the kingdom would pass into the hands of the great territorial lord, whose fortunes he had made. But here appeared that jealousy of great landed property which was so often to decide the issue of German elections. A small body of princes, meeting irregularly, declared for Conrad of Hohenstaufen, and were strong enough to carry through their plan. They were supported by the German clerical interest and were not seriously opposed by the Guelf party, whose chief aim was, for the present, to concentrate their enormous territories, reaching from the Baltic to the Adriatic, into one irresistible economic unit. Yet one can see clearly outlining itself, for the first time, a distinct party opposition in Germany, that is, an opposition of two well-marked ideas, each finding its organ in a family, and, through several generations, continuing to dictate the policy of the empire.

Partition of the Guelf Territories.

The very first act of the Hohenstaufen kingdom was to break the great territorial combination of its inevitable opponent. A diet of 1138 declared that it was unlawful for one prince to hold two dukedoms, and gave Saxony to a Saxon, Albert the Bear, of the Ascanian family, who had hitherto been the markgraf of the Nordmark, along the middle Elbe, and had called himself markgraf of Brandenburg. It was to cost a long struggle yet before this transfer could be definitely settled, but we see in this step the beginning of that great development by which the little territory of Brandenburg was to grow into the present kingdom of Prussia. The same year another diet declared that Henry had forfeited the dukedom of Bavaria and gave it to Leopold, markgraf of Austria, a half-brother of the king. It should be remembered that in both these cases it was the administrative office of the duchy that was affected, not the private landed possessions of the Guelf prince. Henry the Proud died suddenly in 1139, before he had time to make any considerable demonstration against this overwhelming assault, but he left to his young son, the future Henry the Lion, a heritage of conflict, which was to furnish him the occupation of a long life.

The Hohenstaufen Position. 1142.

Thus through the advancement of the house of Brandenburg in the North and that of Austria in the South, the Hohenstaufen kingdom was preparing allies upon whom it might well hope to count. A great diet at Frankfort in 1142 proclaimed the peace of the empire, and the close family relations of the reigning house with its rivals seemed to put the seal upon this compact. King Conrad was, through his mother, the heir of the Salian property and traditions; his brother Frederic was married to Judith Guelf, sister of Henry the Proud; his half-brother, Henry of Austria, now married the widow of Henry the Proud, Gertrude, daughter of King Lothair. The historian of this period, the bishop Otto of Freisingen, also a half-brother of the king, sees in the situation in 1142 the complete victory of the church over the empire. The ruin of the Guelf power was to him the result of a worldly policy, in which the interest of the church had been too little considered. The worthy bishop was to live long enough to see the attitude of Guelf and Staufen completely reversed.

Strengthened by Participation in the Crusade.

The greatest triumph of the papal party was the gaining of Conrad of Hohenstaufen for the second crusade. The fiery preaching of Bernard of Clairvaux had carried the crusading enthusiasm over into Germany, and had proved strong enough to overcome even the natural opposition of a Hohenstaufen to an undertaking which seemed likely to advance the interest of the papal power. Conrad summoned his followers to Regensburg in the spring of 1147, and, with the usual hardships of the land journey through Hungary, reached Constantinople, but was delayed by one and another hindrance until the following year. Then, jointly with King Louis VII of France, he made a desperate assault upon Damascus. The result was the total defeat of the united army. The prestige of the papacy, as the leader of the crusading movement, suffered a severe disaster.[1]

The chronicles of the time speak of the profound peace which, as if by a divine mediation, rested upon Europe during the interval of the crusade; but this peace was only the prelude to a renewal of the former issues. Henry the Lion, now just coming of age, took up with more than his father's energy the claims of his family, and succeeded in the years 1150 and 1151 in getting for himself again the titles of duke of Saxony and duke of Bavaria. It must not be forgotten, however, that these names were coming to mean ever smaller and smaller parts of the great territories they had once covered. Albert the Bear, for instance, in giving up the ducal title was left in possession of a great Saxon territory, which was held "immediately" of the empire. So in Bavaria, the interest of the Austrian Babenbergers was gaining upon that of the dukes.

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[1] See the chapter on the Crusades.

Conrad's Loss of Prestige.

The death of Conrad II in 1152, left matters in pretty much the same position in which they had been at his election; only that the interest of his family was strong enough to put through the election, according to his wish, of his nephew Frederic. Otto of Freising says that Frederic was selected as a keystone to the great German political structure, because he represented both the warring elements of the time, his mother being a Guelf and his father a Staufer. If this was the motive of the electors, they were doomed to a speedy disappointment. So far as Germany was concerned, the struggle of Guelf and Staufen continues to be the central interest of its politics during the whole reign of Barbarossa; but for our purposes it will suffice to have outlined the main course of that conflict, and we shall turn our attention as, in fact, Frederic turned his, chiefly to the affairs of Italy.

Election of Frederic "Barbarossa."

With Frederic Barbarossa we enter upon a new stage of the papal-imperial rivalry, but under very much changed conditions. The empire was to make one more gigantic effort to revive all those memories of its theoretical Roman origin, which had carried it over so many obstacles in the previous centuries, and in doing this it was to rally to its help, not merely temporal weapons, but also those of learning and of legal tradition. It was to advance the theory, that, in all imperial lands, there was but one source of law, just as there had been in ancient Roman times, and that all other forms of political life must recognize this source. They must exist, if at all, only by its consent, and must make substantial payment for the right of existence. In Germany, the process was simpler, because here the empire was practically identical with the kingdom, and a German kingdom had existed from the days of Louis the German. Allegiance to this royal institution was expressed anew by the very act of choosing a king. In Italy the situation was different. The Italian kingdom was not, and never had been, a national institution. The Lombard rulers, though they had controlled nearly the whole peninsula, had been the kings of a conquering race, and had never stood for any national idea. The kings of the Franks in taking their place had succeeded to this same anomalous position, and when they had come to call themselves emperors, this had brought about no actual change. The kings of Italy had been kings without a country. Without the help of the feudal idea, such absurd royalties as that of Hugo of Provence, or Rudolf of Burgundy, or young Conrad the Salian, would have been impossible. Even when such leaders as Arduin of Ivrea, Berengar of Friuli, or Guido of Spoleto, native-born Italians, had tried to create an Italian kingdom out of the scattered political members of the peninsula, they had found that the principle of unity, on which alone a monarchy could be based, was wholly wanting. The only Italian power from which an energetic policy

The Hohenstaufen Programme.

Opposing Forces in Italy.

could be expected, the Norman kingdom of the south, never tried the experiment of uniting Italy, but spent its strength, first in developing its own resources, and then in wasting them on harebrained schemes of oriental conquest. Furthermore, there was no power in Italy which had succeeded in building up even a strong and permanent territorial sovereignty. Tuscany, Spoleto, Benevento, Friuli, Verona, had, at one time and another, been held in the hands of energetic individuals, but in no one of these places had a strong dynasty been developed, which could for a moment be compared, for instance, with the house of Brandenburg, or of Austria, or of Staufen.

Influence of City-life.

The great distinction here is, after all, an economic one. While the development of Germany had been almost purely agricultural, that of Italy had never ceased to be largely industrial. During the whole feudal period it has been clear that the ancient Roman cities of Italy were not lending themselves to the new theory of political life with the same readiness as the great agricultural territories of France and Germany. The whole feudal theory rested upon the power of a lord to enforce the obedience of his followers, and to resist the aggression of his superior. The feudal castle in the midst of an open country was a retreat from violence which might come either from below or above. In the city this theory of power would not work. The lord of the city, be he count or bishop, could not easily defend himself against the pressure of his fellow-citizens. Men, gathered into cities and engaged in the industrial arts, rapidly get acquainted with each other, readily exchange ideas, soon become conscious of rights, and organize means to defend them. The lord of the city, at variance with the populace, must sooner or later yield unless the population can be reduced to slavery, and that in the Italy of the eleventh century was an alternative wholly beyond the limits of possibility.

The Communes of Lombardy.

The beginnings of this development throughout Italy, but especially in Lombardy, we have already seen connecting themselves with the religious movement of the Gregorian reform. Resistance to the episcopal government had taught these industrial populations the first great lesson of political independence: that if they were united and determined, no power could resist them. Again and again in the course of the religious conflict they had come out victorious from conflicts which had demanded skillful leadership, a clear consciousness of the ends desired, and a willingness to make sacrifices for them. The result was that by the time of Frederic Barbarossa, there had been nothing short of a revolution accomplished in Lombardy. In place of the episcopal administration there had grown up everywhere a popular form of government, so very modern in its character, that for the first time in our study we come to a political institution that we can easily understand, an institution destined to revolutionize the whole face of European life.

Their Political Organization.

In using the word "commune" for this form of government we are not for a moment to think of anything "communistic." The word is taken simply from the Latin *communitas*, and expresses merely the idea of the body of citizens acting as a corporate whole. In the documents of the time we find quite as often the word *universitas*, denoting the same corporate unity. The stages of development from the control of a local lord, usually the bishop, to complete independence, are very clearly marked, but not separated by precise limits of time. They pass one into the other gradually, and by the natural processes of struggle, compromise and recognition. We have no distinct contemporary history of this development, but are forced to gather our information from scattered documents, in which reference is made to existing political forms. The earliest stage with which we have to do is that of the protest against the episcopal sovereignty in connection with the Gregorian reform. In the course of this conflict we find the *communitas* engaging in regular negotiations with the bishops, and also with the members of the two orders of the higher and the lower nobility.

The Organs of Expression for the "Commune."

The result was, quite early, that the authority of the bishop was either wholly abolished or limited by the establishment of regular organs of political expression. Beginning at the top we find a body of "consuls," numbering from two to a dozen, composed of prominent citizens, elected for a year by some process of which we are not informed, and entrusted with the general executive business of the city. Such officers appear in some cities very early, under the Carolingian kings, but the time of their complete recognition is at the close of the eleventh and the beginning of the twelfth century. At that time, everywhere in Lombardy, the consular form of government may be regarded as definitely established. These chief executive officers were limited at every step by larger bodies elected from the bulk of citizens and organized into councils of varying size. Reminding us at once of ancient Roman and ancient Germanic traditions we find a gathering of all citizens, the *concio*, at first perhaps the only council, but gradually losing its political importance, and coming to be represented by the greater council (*concilium majus*) destined to be a permanent element of the Italian republics. Out of this great council there grows then another, the *concilium speciale*, representing the aristocratic element of the community as the *concilium majus* did the democratic. And again, by a tendency which no democracy seems democratic enough to withstand, there was usually evolved a still narrower group, a "ring," within the smaller council, called the *credenza*.

Relations with the Outlying Population.

Although the bulk of this great political organization was made up of the industrial city population, it had to deal with a large body of persons living partly within and partly without the city, who represent the feudal and aristocratic element of Lombard society. Two ways were open to this landed gentry: either to combat the industrial development of the cities, to ally themselves with its enemies and check the expansion of trade upon which it rested; or, on the other hand, to accept it as a fact and, as far as possible, to throw their fortunes in with it and look forward to gaining thereby an influence over it. The solution of this problem was a matter of time, and it varied in different places, but in general it may be said to the credit of the political intelligence of the Lombard gentry, that, after a struggle, they gave up the narrower interests of their class, made common cause with the cities, were received into them as full citizens, and thus, by the force of wealth and capacity, rose to leading positions in the government.

Relations to Each Other.

At the time of Frederic Barbarossa this consular organization was practically complete. All the Lombard communities had taken the requisite steps towards forming a republican constitution, and were fighting out their problems, each for itself. Yet, more and more as the process went on, it became clear that there were common interests which could not be overlooked. The smaller the community, the more difficult it was for it to make itself felt against the opposing forces, and the more natural it was for it to seek support in a larger and more powerful commonwealth. On the other hand, the larger cities, like Milan, Pavia or Ravenna, found in this necessity of their weaker sisters an opportunity for bringing them into a kind of irregular dependence and thus of making themselves centres of groups of communities, bound together, it is true, by a very uncertain tie and liable to the most sudden and violent political convulsions. The course of Milan in all these dealings with her neighbors was especially overbearing, and best illustrates the difficulty of the situation. The surrounding cities, such as Crema, Cremona, Lodi, absolutely needed the support of Milan, and yet to gain this they had to submit themselves to a hegemony which was always oppressive and at times unbearable.

The most frequent occasion for these outbreaks between the cities was the question of their relation to the empire.

Relation to the Empire.

While the cities formed thus the actual political units in Italy, there was always, either active or slumbering, the theory of the overlordship of the emperor. In the long gaps, as for instance from the death of Henry III in 1056 to the coronation of his son in 1084, during which the empire was in abeyance, the development of the cities went on undisturbed. During the whole of the investiture quarrel their support had been too valuable to be risked by any excessive demands, nor was there during this time any theoretical denial of the emperor's over-sovereignty. It was a convenient fiction when, for instance, one city wanted a defense against another, or when, as in the time of Conrad II, one class of the Lombard population sought for help in its resistance to another. The trouble came when, as was the case by the time of Frederic I, the cities had grown to feel a sense of solidarity, more powerful than any other political sentiment.

This consciousness of political rights was unquestionably fostered by the rapid growth of a branch of study which had been until then almost entirely unknown since the end of the Roman empire. It is a popular error that the Roman law had disappeared from Italy. It had kept its place to a great extent in the Roman state by the side of the laws of the conquering peoples; but it had not been in any systematic way an object of academic study. It had been used just as the legal traditions of the Germans had been, for the practical ends of justice, but it had fallen into obscurity in consequence of the universal mediaeval tendency to treat law, not as a body of enactments, but simply as a mass of traditions, — the precious inheritance of a race, stamped so deeply into the race consciousness that they did not need to be either codified or studied. In the latter part of the eleventh century a reaction had come, furthered doubtless by the employment of the written code of Justinian, and we shall not be far wrong if we trace this reaction largely to the new necessities of the new city communities we have just been considering. The systematic teaching of the Roman law can be found at Bologna in the last quarter of the eleventh century, at first in the hands of private teachers and then as the chief glory of the great university whose eight hundredth anniversary was celebrated in the year 1888.

Revival of Legal Study in Italy.

This study of the law marks in many ways an epoch in European affairs. For one thing, it furnished an avenue to the intellectual life for many a young man who formerly could have found no such opportunity except in the study of theology. More important than this, it began to make men think about the principles of legal and so of political rights. From this time onward all claims whatever were supported by arguments very different from those of the early middle period. Gradually laymen, educated in the law, came to take the place of purely clerical persons in the councils of kings and princes. The Roman law, outgrowth as it was of a great and highly centralized state, which after all was only the immense

Its Influence upon Political Ideas.

expansion of a city, seemed to lend itself with peculiar readiness to the demands of a time in which precisely these political factors were beginning to play a prominent part. The struggle of princes against their feudal vassals and the effort of cities to throw off the control of feudal obligations were met half-way by the suggestions of the only compact and scientific body of legal tradition available to them. It was to be a long battle yet, but we can never afford to lose out of sight this element of legal transformation, working along with other forces in the modification of society.

Hostility of the Communes to the Empire.

The empire of the Salians had made use of the Lombard cities in its struggles with the papacy; but the house of Hohenstaufen came to power with a greatly increased sense of imperial rights, just as the cities were coming to the consciousness of their own political importance. The empire was proposing to revive all the ancient Roman prerogatives at a moment when the cities were very little inclined to bear patiently any encroachments upon their own acquired privileges. A conflict was inevitable, and it is, especially to the citizens of a modern republic, one of the most interesting of the whole middle period. From the very beginnings of Frederic Barbarossa to the final settlement in 1183, a full generation of men, the struggle goes on. It will be possible for us to note only its most striking points and to show how it becomes interwoven with the still larger questions of church and state. The first Italian expedition of Frederic in 1154 brings us to the first of a series of very remarkable assemblies, at which the questions at issue were discussed. In a vast plain just below Piacenza, on both sides of the Po, the imperial camp was pitched, "as had been," says Otto of Freising, "the custom of the emperors." Here Frederic received ambassadors from all parts of Italy, and heard complaints brought to him

The First Diet at Roncaglia.

as supreme judge over all the Italian powers. The Lombard cities improved the occasion to accuse each other of every kind of violence and bad faith, and Frederic, allying himself with Pavia, took up her quarrel against her neighbor Tortona and showed how thoroughly in earnest he was by utterly destroying the latter place. Even Milan was startled by this display of energy and took every means to set herself right with the emperor. It became evident that the imperial claims, hardly mentioned since the death of Henry IV, and never before brought forward with such distinctness, were going to be revived in entirely new forms.

The Situation in Rome and in Lombardy.

As Frederic drew near to Rome he found himself confronted by a new set of problems. The pope of the hour was Hadrian IV, the only English pope. He was a man of character and energy, prepared to take the highest views of papal right, but he had been met at the outset of his administration by the most threatening demonstration of the old Roman spirit that had occurred since the times of Alberic. The democratic impulse, which we have been seeing in the north, had spread throughout Tuscany and had reached even Rome. Material for such an outburst was always on hand there, only waiting for leadership. The ancient glory of the Roman republic was always a thing to conjure with, and the more shadowy the actual connection of the present with the past, the more intense was the enthusiasm that the memory of that past might call forth. The political conditions at Rome were in many ways similar to, in others strikingly different from, those in Lombardy. The executive head of the city was here also a bishop, and the governing classes fell also naturally into the two orders of a higher and a lower nobility. Here too was a *populus*, with its trade-guilds and its occasional flashes of political sense. Rome, like Milan, was the centre of a territory comprising other smaller city communities, over which she exercised an influence which she was always eager to turn into an authority. But here the resemblance stops. The bishop of Rome was also the head of the Christian world; his local interests were often quite overshadowed by this larger function; the nobility of Rome had never been marked by that kind of political wisdom which had led the nobles of Lombardy to cast in their lot with the struggling communes, and the Roman bourgeoisie, corrupt and fickle, demoralized by the very institutions in which it placed its pride, was far from being the vigorous and persistent democracy which in Lombardy and Tuscany had gone straight at the ends of its political ambition, and won them by its own courage and skill.

The Revolution of the Year 1143.

It is only by means of these resemblances and these differences that the events at Rome, just before the coming of Frederic Barbarossa, become intelligible. A feud between Rome and the little town of Tivoli was in all respects like those of Milan or Pavia with their lesser neighbors. It was carried on by the Roman population with the same energy and with the same weapons that we have seen in the north; but it was the policy of the papacy to reconcile these differences, and Innocent II, a man of peace, had made a treaty with the Tivolese upon terms favorable to them. This had brought out all that opposition of Roman against papal, which we have so often noted. The populace had risen in its might and driven its bishop from the city, just as the populace of Milan had done many a time before. It had then gone on and organized itself into a commune on the Lombard model, but with as much apparent restoration of ancient Roman institutions as the case would bear.

The central figure in this political revolution is the Roman senate, not altogether a forgotten name in the earlier politics of the middle ages, but now for the first time given a definite organization, and put forward into the front of all the communal action of Rome. This revived senate was a body of fifty-six persons representing the several districts of the city, and vested with the supreme administration of affairs. The executive head of the city had been the Prefect, a creation of the pope; he was now replaced by a *Patricius*, a significant title, conveying the idea of a sovereignty derived from antiquity, and suggesting the notion of the Roman people as the source of all authority in Rome. The defense of the city was provided for by the creation of a new militia under the orders of the Senate. The first patricius was a Pierleone, a member of the highest aristocracy, who had been carried away by this democratic enthusiasm.

Revival of the Roman Senate.

This was in 1143. Two years later, attracted doubtless by a political movement of which later tradition has made him the originator, there came to Rome the man whose name has become inseparably connected with this crisis. Arnold was a priest of Brescia in Lombardy, born and brought up in the midst of the communal struggles of the time. An eager student, not satisfied with the ordinary learning of his kind, he had wandered to Paris, and there had thrown himself with all the zeal of a young and ardent disciple into the ideas of the great master Abelard, then at the height of his unapproachable success. The gist of these ideas lay in the application of the human reason to the great problems of human thought. Beginning with the loftiest speculations of philosophy and theology, this impulse could not stop there, but must inevitably go on to the practical questions of political and religious organization. If it were indeed true, as Abelard had implied, that the thought of the individual was

Arrival of Arnold of Brescia. 1145.

the last authority in settling the foundations of belief, then men were at liberty, nay, they were bound, to use their thought also about those great institutions, which claimed the right of exemption from all human criticism. If the church were foul, and on this point there was the most abundant testimony of her most devoted supporters, such as St. Bernard, for instance, then it was the duty of upright men to say so, and to search for the sources of her foulness. Abelard himself was a philosopher; he had not the stuff in him of which reformers are made; but his ideas, falling upon the fertile soil of an eager and passionate nature like Arnold's, brought forth a crop of reformatory energy such as the church had never yet seen.

Arnold's Theory of Church Reform.

Hitherto, when we have spoken of church reform, we have meant only the renewed vigor of principles already in action. The method of reform had been to increase ever more and more the outward strength of the institution to be reformed; if monasteries were foul, only make them more monastic; if the clergy was too worldly, only give it larger resources, and these evils would cure themselves. Arnold was the earliest person to declare the folly of this logic, and to proclaim the principle that the only way to keep the church clean was to take away from her the temptation to evil by separating, once for all, her spiritual from her temporal functions. Already we have seen an instance in which this principle had been practically embodied in a public act; the treaty of 1111; but the pope who had signed that act had found himself met by universal execration, and it had been repudiated at the very first opportunity.

Now, however, in the year 1143, this same principle had been made the basis of a political revolution in Rome itself, and it had been accompanied by such a demonstration of the ancient Roman traditions as had not been seen for generations. Arnold was precisely the man to add to this Roman impulse the element of theoretical defense it needed.

Arnold's Influence at Rome.

Otto of Freising, his enemy, describes him as "a man by no means stupid, but distinguished rather for a flood of words than for the weight of his ideas; a lover of oddity, eager for novelty, the kind of a man whose talents lead to the making of heresies and of schisms, — for he said that clergymen having property, bishops having *regalia*, and monks having possessions, could in no wise be saved." In other words he was a popular orator, seeing through traditions to the spirit which was beneath them, and with that touch of the demagogue in him that was needed to keep the Romans up to the lofty standards of patriotism they had just set for themselves. The pope, Eugenius III, disciple and tool of St. Bernard, found Rome under these circumstances too hot to hold him, and spent the greater part of his pontificate of eight years in exile, now in the neighborhood, trying to find a *modus vivendi* with the citizens, now beyond the Alps, with his tutor Bernard, enforcing an obedience he could not command at home.

Rome as the Source of the Empire.

The success of the Romans in establishing their commune soon turned their heads. They were not a mere municipality like Milan; they were the descendants of men who had governed the world. There is preserved a very noteworthy correspondence between the Romans and king Conrad III, in which they call upon him to come down into Italy and receive from their hands the imperial crown. They declare that they have now freed the eternal city from the enemies that have always stood in the way of former emperors and that, if he will come and set up his capital at Rome, he will have such a chance to reign as successor indeed of Constantine and Justinian as no emperor ever had before. The offer was one that might well have turned the head of an Otto III, but the sturdy Hohenstaufen was no dreamer of dreams; the shallowness of these Roman pretensions could not escape him. Otto of Freising is probably right in saying that "the most Christian king refused to lend his ear to such words, or rather such babblings as these." Conrad never went to Rome and was never crowned emperor.

Frederic I and the Roman Commune.

This was the situation when Frederic arrived at Rome. The commune, strengthened by its extraordinarily long life of ten years, took on the boldest tone imaginable. Its ambassadors went out to meet him and made a most beautiful speech, in which they called his attention to their revival of the ancient splendors of Rome and then went on to say that all this renewed power they would hand over to him as their agent and executive, if he would pay them a round sum of money, would confirm their ancient privileges and bind himself to all this by written documents sealed with his oath. In Frederic's reply, doubtless a rhetorical composition of the historian, we have the clearest possible statement of the point at issue. He goes over in rapid review the history of the transfer of power from the ancient to the modern empire, resting it wholly upon that series of actual occurrences which it has been the purpose of the preceding chapters to describe. "You say that I have come at your summons. I have indeed; but why was I summoned? You were beaten down by your enemies and could not defend yourselves either by your own hand or with the help of the craven Greeks. You called upon the valor of the Franks; I should call that rather a petition than a summons; you, the wretched, the weak, the feeble, the terrified, called upon me, the proud, the strong, the mighty, the confident; that is the kind of a summons, if summons you can call it, on which I have come." As for terms it is not for the subject to ask terms of the sovereign, nor for a suppliant to demand money of him who comes with rescue in his hands.

Frederic and Pope Hadrian IV. 1155.

Setting rhetoric aside, we have here the plain declaration that Frederic, no less than Conrad, was determined not to recognize this sham republic as the heir of that Rome from which he might find it convenient to derive his imperial authority. He turned himself wholly toward the papacy and found Hadrian only too glad, for the present, to make terms on condition of being restored to his authority in the city. The coronation was accomplished in St. Peter's, but it was only after a thoroughly vigorous defense of the Tiber bridge by the Romans, that emperor and pope could get into the city proper. The papacy, thus once again restored by German weapons, demanded its victim. Arnold of Brescia, captured by the emperor in the neighborhood of Rome, was handed over to the pope, condemned for heresy, delivered up to the restored papal prefect and burned at the stake, the first in the long series of martyrs to liberty, whose blood stains the records of the triumphant church. The same combination of the highest powers in church and state was to reappear again and again throughout the long history of this persecution.

The Empire as "Beneficium" of the Papacy. 1157.

Happily, however, this combination was not, for the present, to be of long duration. The pope could not maintain himself in Rome and Frederic had more pressing business in the north. The momentary harmony of the two swords was almost immediately broken by the rise of the same fundamental questions which had lain beneath the struggle of the investiture. A trifling act of omission on the part of the emperor brought out from the pope an indignant remonstrance. In the message, sent by two of his most trusty servants, one of whom was destined to become, as Alexander III, the bitterest opponent of Frederic, Hadrian went into the theory of the two powers in a tone as lofty as that of Hildebrand. The affair was brought before the emperor while he was holding court at Besançon and when the legate came to the passage "if your excellency should ask still greater *beneficia* of us," this chance word, meaning at once "favor" and "fief," so angered the followers of Frederic that they broke out into tumultuous protest, to which one of the legates replied "from whom then has he the empire if not from our lord, the pope?" a speech that nearly cost him his life. However little offense the pope may have intended, it is clear from his own words in a general letter sent out soon after, that Frederic believed the intention to have been to assert the feudal vassalage of the empire to the papacy.

The Roncaglian Diet of 1158.

No less difficult were the questions still unsettled as to the relation of the empire to the freedom of the Lombard cities. To bring all these matters to discussion and final settlement Frederic summoned his vassals to another great assembly on the Roncaglian plain, in order, as he says in his proclamation, that the laws of the kingdoms over which he is by the grace of God called upon to rule, may be once for all determined and put into written form. Already Milan had shown herself so little mindful of former agreements that in the course of this same expedition Frederic had been obliged to carry on a regular siege of the place, and had compelled a peace on terms favorable to himself and to the neighboring communes. The determination of the vexed questions of law was put into the hands of four of the most famous doctors of the law-school at Bologna, to whom were added twenty-eight representatives of the communes themselves.

The Regalia.

The most important inquiry was as to the precise nature of the so-called "*regalia*," by which are here meant the rights which the emperor, as the successor of the Lombard kings, could properly demand of the cities. These were now carefully defined and the list has come down to us. They were, first, a great variety of taxes in the form of tolls, fines and confiscations; then, the maintenance of the emperor and his army, the so-called "*fodrum*," a most oppressive tax which might be expanded to almost any limits; finally, the right to appoint, with the approval of the commune, the chief administrative officers. These rights were declared to be the property of the king, and were formally recognized as such by the cities. Taken in their entirety they amounted to a practical surrender of all that the communes had gained in their years of struggle, and it could not have been expected that they would long stand the test of actual trial.

Conflict of Imperial and Papal Rights.

Up to this point the emperor had kept at least the form of harmony with the pope whom he had set on the throne of Peter. But now, having made clear his view of the imperial rights over temporal powers, he had still to face the question of his relation to the papacy. The declaration of the regalian rights was not intended for Lombardy alone; it was a general definition of the imperial claims on all imperial lands, including, therefore, the papal territories. The pope thus found himself almost at once thrown upon the side of the Lombards and proceeded to define in the largest terms his view of the papal counter-claims. There is in these declarations nothing novel for us; they were only a repetition of the Hildebrandine theory, fortified by a still more elaborate appeal to legal tradition. Frederic's answers are on an equally lofty key. His definition of the empire is no less magnificent than Hadrian's, and his appeal too is to the binding force of the Roman tradition, backed up by the substantial facts of the whole Frankish supremacy, from Charlemagne, through the Ottos and the Henrys, down to himself.

Alliance of Papacy and the Communes.

This war of the law-doctors would have been ridiculous if it had not been followed up with the utmost energy by all three parties interested. Empire, papacy and commune, each threw itself into the conflict with a spirit such as had not been seen for generations. The death of Hadrian in the midst of the fight did not check its progress. His successor was that cardinal Roland, who at Besançon had declared that the empire owed its existence to the papacy. As Alexander III he became the centre of the whole resistance to the Hohenstaufen empire, and during a long administration of twenty-two years, opposed by four successive anti-popes, maintained the cause at once of papal and municipal independence with unbroken energy and with considerable success. This alliance of the papacy and the commune must not be thought of as showing any tenderness on the part of the papacy towards the ideas of democracy. On the contrary, those communes that were under the papal government were no less hardly treated than their fellows under the imperial. It was only one of those many alliances into which the papacy was led in order to gain help against its still more dangerous enemy, the empire.

Renewal of the Conflict in Lombardy.

The test of the Roncaglian legislation came when the emperor tried to carry out that clause which gave him the right to nominate the magistrates of the cities. The smaller communes, less able to resist and half-welcoming a support against the hegemony of Milan, allowed the imperial deputies to direct their elections, but Milan, falling back upon previous negotiations which it declared superior to the Roncaglian agreements, resisted. The cooler heads tried to mediate, but the mass of the people, the really active political force in the city, broke out anew into furious protests of independence. The imperial messengers were driven out of the city and every preparation was made for a vigorous defense. The emperor on his side saw plainly that the time for paper declarations had passed and that nothing but force could decide the questions at issue. He utilized the jealousy of the lesser cities as far as he could to raise money, got together a large army and went into a regular siege of Milan. The city resisted with the energy of a community that is fighting for a great principle and knows that defeat means ruin. It was not until the late spring of 1162 that the citizens, conquered by famine, finally, after long negotiations, surrendered unconditionally. The verdict of the emperor's council was for the total destruction of Milan; and in this decision the lesser communes not only heartily concurred, but lent their hands to the work with all the zeal of a petty revenge. A great part of the buildings were destroyed, a part of the walls leveled, only the churches and some of the public buildings spared. Extermination of the inhabitants seems not to have been thought of, but rather that Milan should be made forever incapable of taking up the part of a leader in revolt. The surrender of the city was carried out with every circumstance of humiliation and with every possible assurance for the future. The citizens were distributed in four suburban quarters, and according to a later tradition, the city was ploughed up and sown with salt as a sign of its utter ruin as a human habitation. The lesser communes felt themselves delivered from an oppressive tyranny, and looked forward without alarm to the mild sway of the imperial government.

Destruction of Milan. 1162.

The folly of this action was very soon evident. If Milan had been overbearing, she had also been a bulwark, ever foremost in asserting rights common to all the cities and ready to take the brunt of the imperial assault against them. Her humiliation, far from being a relief, was an irremediable loss. The

Reaction of the Communal Spirit.

imperial administration, no longer restrained by the fear of resistance, showed itself in its true light as a system of intolerable exactions, deliberately contrived to crush out that communal energy which had carried these cities up to such a height of wealth and power. The discontent naturally roused by this oppression was skillfully worked up by the agents of Alexander III, himself a victim of the imperial policy and now forced to go a-begging for support through the countries of the north.

Beginnings of the Lombard League.

Within five years after the fall of Milan the Lombard communities had learned bitterly to repent their hasty action. One of the articles of Roncaglia had been that no federations should be entered into without the emperor's consent; but the time had come when the sense of communal liberty was to find a new expression in just this form. Hitherto it had been, every town for itself. Now, taught by experience, the leaders of Lombard politics had come to see, as did our own fathers more than a hundred years ago, that only in union was there hope of security and progress. Cautiously and with the utmost secrecy, the four cities, Cremona, Brescia, Bergamo and Mantua came together and discussed plans for a permanent alliance. It is of the utmost interest to every student of free institutions to see how the first simple idea of a union for military defense gradually took on the form of a political organization, which was to stop just short of being an enduring federation. The first indication of this development was an agreement entered into by at least three of the original cities to rebuild Milan. No more splendid tribute could have been paid to the value of that city, than this voluntary act of the very neighbors who had demanded her destruction and lent their own hands to accomplish it.

The rapidity of the restoration is evidence that the destruction had not been as complete as some accounts would indicate. Within a few months we find the Milanese again distinctly in the lead and carrying on the federate idea to a triumphant success. One after another the cities fell into line. The terms demanded by Lodi for her accession are most instructive; they show the struggle, the basis of all free federations, to maintain the integrity of each individual member, while each should also make some sacrifice for the common good. We discern here the awakening of that sense of comity between political units, out of which was to grow that modern creation which we call international law, and the first feeble expressions of modern political economy are also to be found here. Protection and free trade are seen in evident conflict: the merchants of Lodi are to pay no duties in the territories of the four cities, — or, if such a duty should be imposed, Lodi may exact an equal one in her own harbor, — an early specimen of "reciprocity." Damage done to Lodi by a hostile force must be repaired within a month at the expense of the League. The passage of the Po is to be as free to the Lodians as to the Pavians. These agreements are for a hundred years and may upon demand be confirmed by a new oath every ten years. Lodi on her part, while reserving her allegiance to the emperor, declared that this meant only the recognition of such rights as he had had a hundred years before. These are actions on a small scale, but they mean far more for European progress than the much larger conflicts with which the royal annals are filled.

The League under Milan's Leadership.

Through the accession of Parma and Piacenza, purchased by quite similar concessions, the League now included eight of the leading communities of Lombardy, whose territories taken together formed a solid complex, held together by the most evident political and commercial advantages. In the northeast a similar league had already been formed between Venice, Verona and several neighboring towns. All this brilliant display of civic energy could seem to the emperor only rebellion and the violation of solemn oaths. He declared the allied cities under the ban of the empire and prepared for an immediate assault. The answer was that the League put itself into active relation with the league of Verona and with several isolated cities and brought about articles of agreement signed by sixteen communes, regulating the action of each signer in case of an imperial attack. Their cause was distinctly strengthened by the activity of the bishop of the new Milan, a man wholly in the interest of Alexander III and eager to identify still further the cause of the Italian patriots with that of the papacy. A most important step was the establishment of a regular federal executive body composed of "Rectors," chosen from among the consuls of the several cities and vested with very considerable independent powers.

The League and the Emperor in Conflict.

The only support left to the emperor in Lombardy was the city of Pavia and the territories lying at the foot of the Alps in the far northwest. If the League had taken an offensive, instead of a purely defensive attitude, it might easily have caught the emperor as he made his way, with considerable difficulty, northward through these regions. Probably it was suggested by Frederic's escape at this time that here was the most important strategic point for the future. In the spring of 1168 representatives from several cities gathered at the little village of Rovoreto on the borders of Pavia, Montferrat and other imperial territories and took possession of it in the name of the League. The work of building a new city here went on with incredible rapidity. Walls were laid with great care, streets planned and houses, chiefly of wood

Foundation of Alexandria. 1168.

with thatched roofs, run up hastily to serve the first needs of the defenders. Colonists, largely from the imperial territories, poured into the place, to which, in honor of the pope, was given the name of Alexandria. Consuls of the new city appear at a meeting of the League in May, 1168, and within a year it is said to have had fifteen thousand fighting men at its disposal.

The Emperor attacks the League. 1174.

At this same assembly a series of new regulations were passed, all looking towards strengthening the federal idea in the League, and regulating the rights of individual communes under it. The six years following were a severe strain upon the fidelity of these young and jealous communities to the new relation into which they had entered. Naturally, their individual privileges still remained dearest, and there were enough of ancient grudges left over to keep up a constant friction. It is the best tribute to the force of the federal impulse that when Frederic, who had spent these years in strengthening himself in every way in Germany, returned to the attack, he found scarce a single element of the Lombard population ready to desert its colors. Only the feudal lords of the Alpine region, representatives of a political past, saw in him a savior from their enforced friendship with the League. The first assault fell upon Alexandria, and it was directed with the full force of all that personal energy and unscrupulousness that marked every act of Frederic Barbarossa. For nearly six months, without help from their allies, the Alexandrians demonstrated to the full the value of their new position. In April, 1175, the League, after much negotiation, got a large army into fighting order and reached the scene of action. On the plain of Montebello they formed in full battle array and awaited the attack of the emperor, who had definitely abandoned the siege of Alexandria and was preparing to march southward. Once more the Lombards showed that their object was not to fight, but to stand in defense of their liberties if these should be attacked. In spite of their immense advantage, or perhaps on account of it, they went into negotiations and agreed to terms, by which the sovereignty of the emperor should be admitted, and the detail of mutual rights and obligations be brought before a joint commission, whose decision should be binding.

The Battle of Legnano. 1176.

The outcome was what might have been expected, what it must always be when opposing interests have come to a definite crisis. The time for compromises had passed, and when the communes came to consider the matter in detail, their demands were such as the emperor could not meet without surrendering the point he had most at heart. There can be no doubt that the agents of Pope Alexander were in the last degree anxious that no peace should be made except on the most favorable terms for the communes. The negotiations failed, and skirmishing began almost immediately on both sides. The League in solemn assembly renewed the former oaths of mutual fidelity while Frederic, on his part, found himself forced into every possible device for gathering and keeping an army. The famous story of his throwing himself on the ground before his most powerful vassal, Henry the Lion, may not be true in detail, but it represents fairly well the kind of relation upon which the power of the mediaeval king depended, and brings out into vivid contrast the splendid display of patriotism which the despised communes of Lombardy were making at the same moment. The response to Frederic's summons in Germany had not been altogether reassuring. The army which came over the Alps at this critical moment numbered not over 2000 men, of whom half were knights. The attack was aimed directly at Milan, and found her fully prepared, with very considerable contingents from the allied cities. The two armies met in the plain of Legnano, about fifteen miles north of Milan, and the battle opened at once. At the first assault of the German knights the Lombard cavalry gave way and scattered in every direction, allowing the Germans to push on to where the Milanese, horse and foot, were gathered about their Carroccio, the sacred banner of the commune, mounted on a wagon and always pushed into the thick of the fight. Here the fortune of the battle turned; the Milanese infantry held firm and threw the Germans into disorder. Rallied again and again they kept up the fight until evening, and then, at the order of the emperor, broke into a retreat, which proved to be a rout. The emperor himself disappeared for several hours and was believed to be lost, when he suddenly reappeared in Pavia with a handful of followers.

The Results of the Battle.

The battle of Legnano is one of the very few decisive battles of the Middle Ages. Its interest lies in the fact that it was not a mere mediaeval feat of arms for the sake of the fight, but a contest for life and death between two great political ideas; not entered into hastily, but prepared for by a long history of negotiation, compromise and sacrifice. The merit of the victory belonged above all to Milan, and this served to place her again in the front of Lombard affairs. Moderate propositions, laid before the allied cities by Cremona, were rejected with contempt; the active forces of the League were determined not to retreat in the smallest particular from their fundamental propositions. The emperor for his part saw himself beaten, and entered at once upon a series of negotiations with the papacy looking towards the settlement, on terms favorable to Rome, of all the difficulties between them. The definite adjustment of the double problem was left to a grand assembly of all parties at Venice.

Treaty of Venice. 1177.

We have here the earliest case in modern history of a peace convention, called deliberately to discuss the existing situation, and to provide a remedy. The City of the Lagoons steps out here for the first time into the foreground of European politics, eager worthily to welcome the two greatest powers of the West, and to lend its powerful aid in adjusting their differences. The pope was first on the ground, and, in fact, carried the negotiations up to the point of agreement before Frederic, who had meanwhile waited on the mainland at some distance from the city, was admitted to a personal interview. The advantage in the Treaty of Venice was wholly against the empire. Alexander had shown himself a most skillful diplomat, had maintained himself against no less than four successive anti-popes, and had strengthened himself in the allegiance of all the northern countries. The communes, elated with their success at Legnano, were pushing for fuller acknowledgment of their practical independence. Nothing was so important for Frederic as to scatter his enemies, and this could be done only through harmony with the papacy.

Terms of the Treaty.

The stages of the negotiations can be clearly traced in documents of undoubted genuineness. At a diet at Würzburg in 1165, Frederic, supported by the German princes, had declared his unalterable determination never to make peace with Alexander, and had bound both himself and the princes to maintain the schism at any cost. The events of the next ten years had completely overturned this compact. Immediately after Legnano, Frederic had sent ambassadors to confer with Alexander and a scheme of concessions on both sides had been drawn up, the execution of which was to be furthered by the ambassadors in every possible way. The settlement at Venice was made on the basis of these agreements of

Anagni. No amount of German patriotic interpretation can conceal the fact that underneath the courtly forms of the final diplomatic language, and in spite of all the splendors of the festive celebration, we can discern the beginning of the end of the mediaeval empire. True, the theoretical rights of the emperor in Italy were made the balance to the recognition of Alexander as lawful pope; but on the one hand we see the desperate attempt to bolster up a power against which the real forces of Italian politics were banded with irresistible strength, while on the other we see the papal institution, as yet hardly threatened by those still larger forces of European nationality and the re-awakening of the human mind, which were to bring it down in its turn.

Hohenstaufen against Guelf.

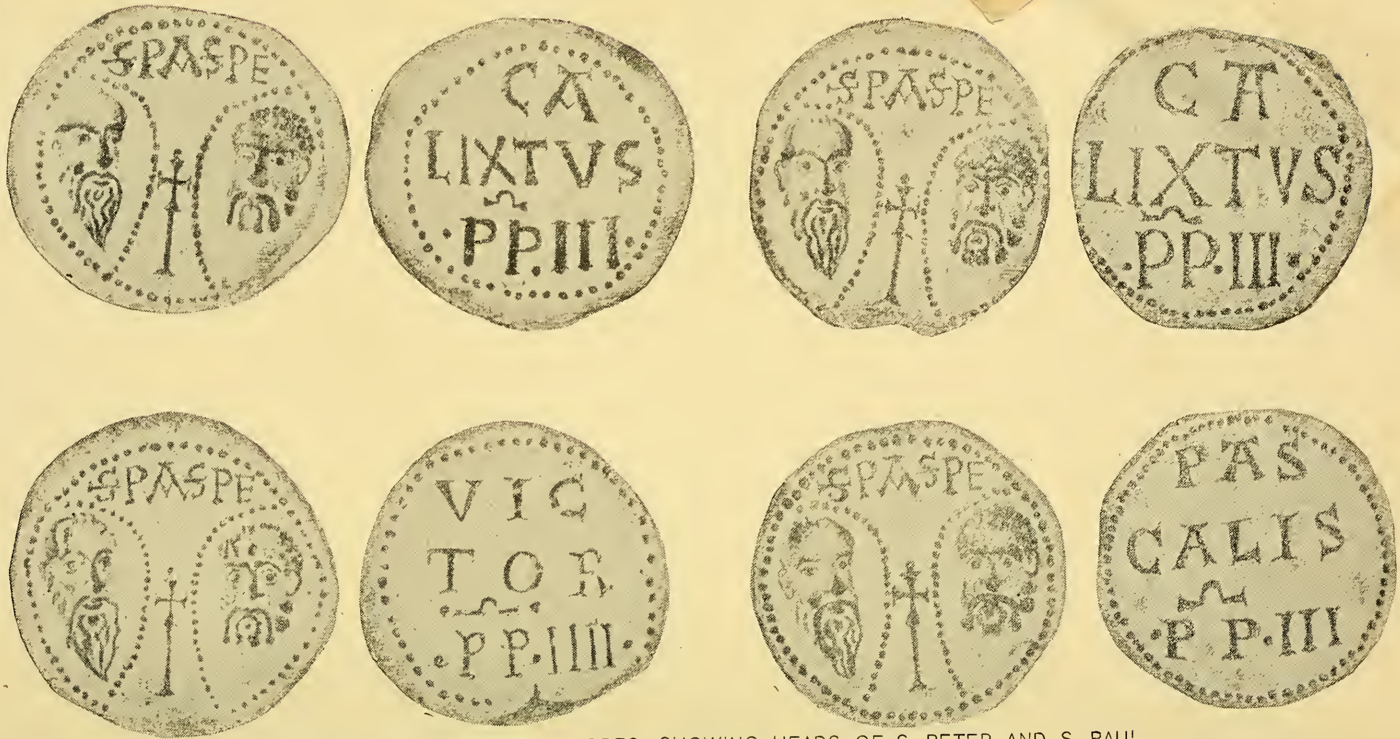
The chief gainers at Venice were the Lombards, to whom, with reservation of the ultimate settlement of details, a truce of six years was ensured. The reconciliation with Alexander was the opportunity for Frederic to turn his attention once more to the north, and especially to break, if possible, the overgrown power of that Henry the Lion, to whose disloyalty he owed, probably, his crushing defeat at Legnano. With the full support of the princes, all jealous of this great gathering of power into the hands of one of their number, he summoned Henry four times to appear before the judgment seat of the empire, and upon his refusal, declared him in the imperial ban. Never in the history of the empire had there been, apparently, so brilliant a display of imperial power. With full approval of the princes, especially of the clergy, the great Guelf was declared to be deprived of all his possessions excepting his inherited estates in and about Brunswick, and was driven into exile. On the face of it this was a triumph of the central power over its most dangerous local rival. In reality it was the victory of a multitude of princes, chiefly clerical, over one of their number who had grown dangerously fat upon the substance they coveted. The emperor was hardly more than the mouth-piece for this jealousy of the petty princes. The vast estates of the Guelf, both in Saxony and Bavaria, were not, as would have been the case a century before, handed over to some one or two great lords who would be most likely to maintain the cause of the emperor, but were divided up into a vast multitude of little holdings and distributed to those princes whose voices had been loudest in demanding Henry's condemnation. The limits of the duchies of Saxony and Bavaria were again reduced. The dukedom in Saxony passed into the hands of Bernhard of Anhalt, the son of Albert the Bear. The Bavarian dukedom was given to Otto of Wittelsbach, and, with a change of title, remains in his family to this day. Naturally, the princes who were to profit by the downfall of Henry the Lion were willing to lend a hand in enforcing the edict, and thus the emperor was able to carry out the verdict of the diet. This year, 1180, marks the definite abandonment of that system of great stem-duchies upon which the German kingdom had until then been based, and the beginning of a new Germany, resting upon a conglomeration of personal territorial holdings, partly feudal, partly allodial. The German king stands above the mass of his subjects by virtue of his personal influence. He is strong in proportion as he is able to gratify the wishes of this greedy throng; but he is powerless unless in a given case he can gain followers enough by means of concessions to one set of subjects, to induce them to fight with him against another set.

Peace of Constance. 1183.

The proof of this is seen in the dealings with Lombardy when the six years' truce had run out. It might well have been expected that Frederic, after the fall of Henry the Lion had bound so great a body of the German princes to his interest, would have called upon them to demonstrate their loyalty by following him over into Lombardy and chastising the insolent citizens who had presumed, not only to have rights, but to defend them with such spirit and success. Instead of this we find him anticipating a still more vigorous action of the Lombards, and sending over ambassadors to confer with them as to the terms of a lasting peace. The result was the great Peace of Constance, the earliest international agreement of the kind in modern history. By its terms the nominal overlordship of the emperor in Lombardy was re-asserted, as, in fact, it had never been denied. With this exception the communes were recognized as practically independent. Wherever they had previously chosen their own officers they were to do so still; their money payments to the emperor were to be regulated on an equitable basis, and with the exception of an appeal to the emperor's court in more important suits at law their administration of their own affairs was to be unquestioned.

The Hohenstaufen Monarchy at its Height. 1184.

Thus, both in Germany and in Italy, the monarchy had gained its right to exist by concessions that lamed it as an effective administrative machine. Yet outwardly, viewed in the light of the feudal arrangements, it was a very splendid institution indeed. Its great demonstration was at the Diet of Mainz in 1184. The grateful vassals, large and small, freed from the aggressive energy of Henry the Lion, and relieved of the necessity of going on another Italian expedition, were willing for the moment to forget all concealed animosities and came together at Mainz in unprecedented numbers. The occasion was made a grand fête of knightly sports, literary display, religious devotion and national loyalty. Another even more trying test of the hold of the great Hohenstaufen upon his people was his taking of the cross and the summons to follow him to Jerusalem. The enthusiastic response to this summons shows that other motives than mere reluctance had held men back from the Italian wars. The account of the journey to the East, ending with the death of the aging emperor, belongs in the history of the crusades ; it interests us here only as illustrating the highest point of the German monarchical experiment. Its meaning becomes clear only when compared with the parallel development of the monarchical idea in France and in England.



SEALS OF HOHENSTAUFEN POPES, SHOWING HEADS OF S. PETER AND S. PAUL.

CHAPTER X.

THE PAPAL TRIUMPH OVER FREDERIC II. 1197–1268.

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The Papacy in the Year 1200.

AT the death of Frederic Barbarossa, the power of the papacy was decidedly in the ascendant. It had succeeded in allying itself with those human interests which seemed most likely to govern the policy of the immediate future. It had again come out of a conflict with the empire victorious in all that made a victory worth having. It had put itself in the front of the great heroic impulse of the crusades, and thereby commended itself to the imagination of a time, perhaps the most sensitive in all European history to the value of precisely such ideals. It was arming itself for a thoroughgoing purification of the soil of Europe from the stain of heretical beliefs, now just beginning to be dangerous to its absolute dominion.

This aspect of the triumphant papacy is embodied in the person of Innocent III (1198–1216), but before coming to his administration we have to notice one more desperate attempt of the empire to make itself master of the Italian peninsula. The Peace of Constance (1183) had left the theoretical over-lordship of the emperor in Italy unquestioned, but had gone so far in guaranteeing to the local powers the unrestricted exercise of their political rights, that this over-lordship proved a tolerably barren dignity. The weak point in the imperial hold on Italy was, as it always had been, that the emperor had next to no land in the peninsula that was his very own, and the sentiment of loyalty to a royal tradition which served him in Germany in place of a great landed possession, was here almost entirely wanting.

The Empire in Italy.

If only this defect could be made good, it seemed, humanly speaking, as if the future might definitely be secured. The passing of the inheritance of the kingdom of Naples and Sicily into the hands of a woman as sole heiress, opened out before the Hohenstaufen policy precisely the opportunity it wanted. Already in 1186 this opportunity had been seized, and king Henry, recognized as successor to his father Frederic I, had married Constance, daughter of king Roger II, and aunt of the reigning king William II. The death of William, leaving Constance as his heir, occurred just before that of Frederic I, and was the welcome excuse to Henry VI for leading an army into southern Italy and enforcing by arms his claim to a crown over which he had no other right. The imperial title which he took by the way in 1191 could add nothing to his claim in southern Italy, since the Norman kingdom had never, except in the vaguest terms, acknowledged the over-lordship of the emperor. Its constitution was a new one, borrowed from Norman ideas, and its people were as passionately attached to their dynasty as they were passionately hostile to anything like German interference.

The Norman Marriage. 1186.

This loyalty found its expression in a determined resistance under the leadership of Tancred, an illegitimate member of the house of Hauteville. It was four years before Henry, after the most desperate struggle, was able to get possession of his crown. At the moment of his entry with fire and sword into Palermo, his wife gave birth to the son under whom this great political move was to show its value and its dangers. The chief item in the Hohenstaufen calculation had doubtless been the attractive prospect of getting the papacy into such a tight place between one imperial territory on the north, and another on the south, that it would be forced to give up its attitude of opposition and fall in with the theory of universal empire. For the moment this ideal was postponed by a series of accidents. Henry died three years after his entry into Palermo, hated throughout his southern lands with the bitterest hatred as the representative of a foreign tyranny, and within a year from that time the papal power passed into the hands of a man as well fitted to carry it to its greatest heights as ever pope had been.

The Papacy in a Vice. 1194.

1197.

At the beginning of the reign of Innocent III, it is clear that the papacy was entering upon a new phase of its existence. Never before had the conditions for its success been so favorable. The apparent check it had received in the Concordat of Worms had not seriously interfered with its progress along the same lines in other states. It may safely be said that reverence for the papal institution was never before and never was to be again more wide-spread or more sincere. Not only had its patronage of the popular movement and its leadership in the crusades given it an immense hold upon the political interests of Europe; its theory had become a part of the universal thought as to the true nature of the church and,

Innocent's Opportunity.

in the dominant philosophy of the time, the scholastic system, it was finding a theoretical defense in forms destined to be permanent.

Innocent's Policy in Italy.

A review of the various activities of the great pope will offer us the best opportunity to bring together the several lines of development which had been going on in the different countries of Europe in relation to the papacy. To begin with Italy. The real moving force in all the politics of Italy had now come to be the interest of the cities, each to secure to itself as large a measure as possible of individual liberty. The fierce energy of Henry VI had succeeded in keeping down the municipal spirit in many parts of the country, and in reviving for the last time the feudal partition of Italy into something like its earlier territorial divisions. The rule of the imperial feudal governors bore very hard upon all parts of the peninsula with the exception of Lombardy, and even here the fine spirit of unity which had given them the Peace of Constance had not made the cities equal to the task of keeping down their local jealousies. It was the policy of Innocent to revive all the slumbering hostility against these German governors, and to put himself forward as the champion of Italian independence. By working upon every feeling of discontent, and holding clearly before the mind of the Italians the great advantage they would gain from his support, he succeeded, in the face of great apparent odds, in getting rid of the German control through middle Italy, and putting in place of it the papal protection.

Foundation of the Papal State.

Innocent may properly be regarded as the real founder of the papal state. Not since the time of Pippin had the claims of the papacy to an actual territorial sovereignty been so near realization. In the year of Innocent's accession the leading cities of Tuscany had made a league similar to that in Lombardy, with strong expressions of loyalty to the papacy, and equally strong resolutions never to admit an imperial governor into their limits. Innocent tried his best to convert this alliance into an allegiance. The communal spirit in such towns as Florence, Siena and Lucca, was too strong for him, but in the southern part of Tuscany, which had formerly been reckoned to the *Patrimonium Petri*, he succeeded in fixing permanently the papal authority. On the eastern side of the Apennines, as far northward as Ravenna, his success was complete. The sham feudalities of Henry VI disappeared, and the cities accepted without resistance the mild over-lordship of the pope. In the year 1201, the emperor Otto IV guaranteed to the pope the territory from Radicofano, on the borders of Tuscany, to the mountain passes of Ceperano, on the borders of the Neapolitan kingdom, the exarchate of Ravenna, the Pentapolis, the mark Ancona, the duchy of Spoleto, and the allodial estates of the countess Matilda. The imperial fiefs of Matilda, the bone of contention between empire and papacy for more than a hundred years, lose their significance from this time on in the growing importance of the independent cities which absorbed all there was of political activity within these limits.

Innocent III. and Frederic of Sicily.

The maintenance of this strong central state was the counter-check to the Hohenstaufen-Norman alliance. A further hold upon this combination seemed to be offered by the willingness of the Norman widow of Henry VI to intrust her future to the keeping of the pope. Immediately before her death the former vassal position of the kingdom towards the papacy was renewed and sealed by the appointment of the pope himself as the guardian of the infant Frederic, in whom the consummation of his father's policy was embodied. In spite of the traditional enmity of the papacy and the house of Hohenstaufen, the great pope seems to have carried out his trust in entire good faith and to have relied upon the force of his political gains in the centre to overcome the dangers of a possible combination of the extremes of the peninsula. In fact, so curiously did the larger politics of the empire get twisted about, that towards the close of his life Innocent found it for his advantage to champion the cause of his ward against the very Guelf powers that for three generations had made the papal alliance the key to their whole policy.

Election of Philip of Swabia.

The explanation of this will be seen in the history of affairs in Germany after the death of Henry VI. Never since the death of Henry III, nearly a hundred and fifty years before, had the German princes been willing to try the experiment of a minority rule. Dread of the dangers almost certain to attend such a minority had been one of the reasons why Henry VI had failed to secure the support of the princes in a scheme for making the empire hereditary in his house, on condition that he should recognize the inheritance of all the great fiefs. The answer had been that these fiefs were already hereditary, and that the only security against tyranny was the maintenance of the elective principle for the empire. Upon this understanding the infant Frederic had been elected king of the Romans, but when it came to making him actually ruling sovereign the princes refused to consent, and easily persuaded his uncle Philip, who had at first put himself forward only as the guardian of his nephew's interest, to accept an election for himself. Philip was supported by all those interests which looked to the Hohenstaufen party for protection against the too great ambition of the Guelf, and his following might be described as a majority of the electors. We must, however, be careful not to use this term "electors" too precisely. While the college of cardinals had by this time come to be fully recognized as the only body capable of making a lawful pope, its rival, the German electoral college, was only just beginning to emerge from the general mass of the princes.

Rival Emperors, Philip and Otto the Guelf.

The election of Philip took place at Arnstadt in Thuringia in the spring of 1198. The head of the opposition was the archbishop of Cologne, who, with the help of comparatively few of the northwestern princes and backed up by English influence, put forward as a rival candidate the younger son of Henry the Lion, count Otto of Brunswick. The great advance in political sentiment in Europe is seen in the fact that this rivalry of two German princes becomes the central point of a very complicated international quarrel. For the first time we see the countries of Europe, as such, taking sides in a great controversy. Otto was the nephew of the kings Richard and John of England, and as such the natural enemy of the vigorous and ambitious king Philip Augustus of France. Philip of Swabia was equally heir to an enmity against the house of Guelf which turned him against England, and so, naturally, to the French alliance. Each of the greater sovereigns found it worth his while to improve this foreign quarrel to the advantage of his own interests.

Innocent III and the Rival Emperors.

Still more important for the rival candidates seemed to be the support of the papacy. Their negotiations on this side interest us as showing the theoretical basis of the imperial power as interpreted by the papacy. We have, fortunately, preserved to us the correspondence of the supporters of both parties with the pope, and his replies leave no room for doubt as to the real motives which actuated him. He examines at great length the claims of the three rivals, for as guardian of Frederic he was bound to remember that the princes had bound themselves by oath to support him. On this point he does not waste much time: — oaths are very sacred things, yes indeed, especially when, as in this case, they are taken without compulsion, but when these oaths were taken the princes supposed, of course, that Henry would live his time out; therefore, the conditions being changed, the oaths are no longer binding. That disposed of Frederic. Then as to Philip:—his election was undoubtedly by the majority of the princes, but numbers were not the most important element. There were many reasons why he was not a suitable candidate. In the first place he had sworn to defend the claims of his nephew and so barred himself,—the pope apparently forgets that he has just explained away the oaths of the other princes on this point. Then Philip's election was at an unusual place and under unusual forms. He was at the time under the ban of the papacy on account of injuries against the papal state. Finally, and most important, he is the hereditary enemy of the "church," *i.e.*, of the papacy, and cannot be trusted with so great an accession of power.

Reasons for supporting Otto.

On the other hand, Otto, although elected by but few princes, was chosen at the proper place, and is supported by a majority of those "to whom the right of election especially belongs." Furthermore, he comes of a house which has always been distinguished for loyalty to the papal cause and he can be depended upon to continue the same policy. In this decision two elements are especially important, the theory of the election and the interest of the papacy. As to the first, the reference to place and to the character of Otto's supporters as being those "to whom the right of election especially belongs," indicates that by this time there was at least some kind of understanding as to the persons who led in the choice of emperor. To discover in these vague phrases an organized electoral college is going too far. We have no right to say more than that we are on the eve of such organization, and that the struggles of this crisis were probably the most effectual means of convincing the German princes that they needed some strict constitutional forms of election, just as the hopeless conflicts in papal elections gave the final impulse to the fixing of the college of cardinals.

Philip crowned at Aachen. 1205.

The actual moving power in the papal decision was unquestionably quite independent of German constitutional questions. It was the interest of the papacy. The pope would support the candidate who was most likely to support him. The frankness of Innocent's statements on this point makes it clear that he did not regard this as a blameworthy motive in any respect. Otto promptly paid his debts by giving to the pope the guarantee of territory we have already mentioned.[1] The contest between the two rivals in Germany went on without any regard to the papal decision. The vast majority of the princes supported Philip, and he became king in fact after a renewed coronation at Aachen by the archbishop of Cologne in the early part of 1205. The submission of the great archbishoprics paved the way for a reconciliation with the pope, and Philip showed all willingness to go half-way in this direction. The sun of the Hohenstaufens seemed about to clear itself of all the mists of opposition, when suddenly, in the midst of peaceful occupations, the king was murdered in a private quarrel.

Otto IV recognized as King.

At once the partisans of Otto rallied about their leader and he found no resistance to his claim upon the throne. To seal the unity of parties he married Beatrice, daughter of his bitter rival. The prospect was that the interests of Guelf and Hohenstaufen would thus be united, but the differences between them proved to be too deeply rooted. It will be observed that, so far as our history goes, marriage alliances play but very little part in the actual politics of Europe. It remained for the prevalence of the hereditary principle to give to such ties more than a mere personal character. Germany, for the moment exhausted by civil strife, was content to submit to a rule for which it had never shown enthusiasm.

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[1] See p. 318.

The Youth of Frederic II. 1194-1215.

Meanwhile, in his southern home, the boy Frederic was ripening into a youth of whom no report could be too extravagant. It was his good fortune that he had not been put forward into the strife of the empire at his father's death. His education in Sicily had been of the most careful, and nowhere in Europe at that day could a youth of promise find more to inspire his growing powers. The beginnings of modern culture, based both upon the study of classical antiquity and upon the free use of the common tongues, were just making themselves felt in the keenly intelligent populations of southern Europe. The literature of the troubadours, dealing as it did with the subjects of human life as opposed to the sole interest of religion, had made its way from southern France into Sicily, and found there a people sensitive in every way to impressions of poetry and romance. By his sixteenth year the young prince had come to be called by his devoted people "the wonder of the world." Even the flattery of courtiers cannot obscure the fact that Frederic was a person of extraordinary endowments, one of those rare personalities who, from first to last, leave upon their surroundings a lasting impression of individual power. He had grown up as an Italian; and the choice of two other princes had seemed to make it clear that Germany had made up its mind to do without him.

The summons of Frederic from his retirement in Sicily to the certain dangers and the doubtful glories of the imperial name shows that there was still something to conjure with in the name of Hohenstaufen. It stood in German politics for the free development of territorial lordships in return for supplies with which to maintain the glory of the empire in Italy, and this free development was just what the leading princes were most anxious to keep. The Guelf supremacy on the other hand had been identified with the spread of a great family at the expense of its neighbors; between the two the electors preferred the Staufen. The administration of Otto had not been such as to conciliate opposition. Even with the pope he had not been able to get on; the inevitable conflict of the imperial and the papal interests had made itself felt from the moment Otto had become firm in his seat. The result was that in the year 1212 Frederic, then just in his eighteenth year, received a secret embassy from discontented subjects in Germany, offering him the German crown if he would come and get it. The advice of his Sicilian counselors and the persuasions of his wife, not to risk all he had in a hare-brained scheme of reckless ambition, could not outweigh in his mind the possibilities of realizing in his person the combination of the empire and the Apulian kingdom, which had been the chief aim of the policy of his house. His argument was that whoever held the empire was sure to try to get his kingdom too, and it might as well be he as another. The undertaking was one quite in harmony with his romantic nature and the adventurous spirit of the times.

Frederic summoned to Germany.

With only a very small following, living upon the hospitality of one and another city on his way, he slipped through all the traps his enemies had set for him and found himself in the autumn of 1212 at the head of a very considerable array of princes on German soil. He had secured the papal support by recognizing in the fullest measure the feudal supremacy of the pope over the kingdom of Naples; he now renewed his

His Allies and his Success.

family alliance with Philip of France, who promised him support and sent him a large sum of money for present expenses. In Germany he held diets at Frankfurt and Mainz and received the homage of the greater part of the princes. Otto, still strong in the northwestern parts of Germany, believing that the real kernel of the combination against him was to be sought in France, instead of moving against Frederic entered into a counter-combination with all the enemies of Philip. The chief of these were king John of England and the count Ferrand of Flanders, and almost all the higher nobility of northern France were drawn into the alliance.

Bouvines, the First Modern Battle. 1214.

For the first time we begin to find the language and the feeling of modern international warfare. Until now when kings had come into collision, it had been rather as feudal lords than as heads of nations. In the preparations for the battle of Bouvines we find distinct indications of national sentiment, mingled as yet, of course, with plenty of mediaeval, feudal motives. For one thing, the armies promised by Otto's confederates and actually put into the field were of very considerable size. They were equipped with great completeness by Flemish zeal and English money and seem to have felt themselves even more than most mediaeval forces, to be acting under a kind of commission to punish a man whose strength and ambition were a common threat to feudal liberties. Opposed to this dangerous league we find the French king relying wholly upon the gains already made by the royal power in controlling the service of its vassals. So far as the great central region of France was concerned this reliance proved secure. The summons to arms to repel invasion was answered by almost all the chivalry of the centre and the southeast. The defense, like the attack, was divided into two parts, one army under the crown prince, Louis, moving toward the west to meet the attack of king John who had landed at Rochelle and gained very considerable support in that region. The main French army under Philip was moved northward to the Flemish frontier where the confederates had assembled.

Near the village of Bouvines this royal army reversed its march in order to secure a better ground for battle and was at once followed up by the enemy, who believed it to be in retreat. The fighting, opened by the confederates, occupied the greater part of Sunday, July 27th, and ended with a complete victory for the French. There is nothing in the process of the fight worthy of especial notice excepting the large part played on both sides by the contingents of the cities. It would hardly be too much to say that the fate of Bouvines, like that of Legnano, was decided by the steady bravery of these humble foot-soldiers, though, naturally, the chronicles are filled chiefly with the doughty deeds of individual knightly combatants. The victory at Bouvines was unquestionably a great gain for the cause of European monarchy. It was a blow to the feudal theory everywhere. It demonstrated beyond question that the French king could, at a critical moment, rely upon the allegiance of a vast proportion of his subjects and that a national army under a single guiding will was a more effective instrument than a much larger force under divided leadership and animated by no common tradition or common purpose.

Its Value to Frederic II.

In Germany the effect of the battle of Bouvines was immensely to strengthen the cause of Frederic. The prestige of Otto, supported as it had been largely by foreign influence, was gone and he retired into obscurity upon his own lands in Saxony where he died in 1218. The success of Frederic might in no small degree be attributed to the support of Innocent III who, of course, did not fail to claim his reward in due season. One of the earliest of Frederic's documents is a promise to renounce in favor of his son Henry all claims to the kingdom of Naples and Sicily, as soon as he should be crowned emperor, so that the danger which had so long been threatening the papacy might forever be averted. The death of Innocent in 1216 occurred before the condition, namely the imperial coronation of Frederic, had been fulfilled.

Innocent III and Philip Augustus of France.

Although in this German conflict the pope had found himself on the same side with the king of France, he had by no means always stood in friendly relations with him. The early years of his administration had been marked by a long and bitter quarrel between the two which, in many of its details, reminds us of the conflict between pope Nicholas I and king Lothair II. Philip Augustus was left a widower just before the third Crusade and soon after became a suitor for the hand of Ingeborg, sister of king Knut of Denmark. The suit prospered, Ingeborg came to France and, according to her evidence, denied by Philip, the marriage was consummated. Immediately afterward the king declared himself unable to treat her as his wife, professing the deepest repugnance to her, but giving no satisfactory reasons. Ingeborg was kept in a more or less strict confinement, refused the honors of a queen and totally separated from her alleged husband. A divorce process instituted by the king was approved by the highest clergymen of France and the queen's appeal to Rome, arriving during the last day's of pope Celestine III, met with no vigorous response.

The King's Divorce Case.

Innocent III, almost immediately upon his accession, took up the case with his accustomed energy. He went back at once to the case of Lothair II and rested fairly and squarely upon the sole right of the papacy to decide in the last resort in a case involving the question of marriage, undoubtedly one of the subjects belonging in the ecclesiastical forum. It is the old conflict of national unity, whether in church or state, as against the all-embracing scheme of the papal theocracy. Innocent grasped the question in its full import and faced it boldly. Either the head of the nation must do as he bids or the nation must take the consequences. If the nation refuses to give the church its rights, then the church, through its head, will withdraw from the nation those religious privileges of which it is the sole administrator. The king summoned to his aid all the resources of a kingdom already becoming united in loyalty to its royal house and always strongly impressed with a sense of its unity as against all foreign aggression. He appealed to the increasing sense of law, which was beginning to have its effect in all public life; he promised, he threatened, he blustered in every possible fashion. The good will of the French people was on his side. He had felt himself so strong, in fact, that he had, some years before, proceeded to the choice of a new wife. The beautiful Agnes of Meran, a woman of great spirit and an irresistible charm, consented to accept the dangerous proposal and gave herself to the king with a devotion which was ardently returned.

The Papal Interdict in France.

The new marriage was solemnized in due form and two children were already the fruits of it when Innocent began his rule. The extreme threat of the interdict was not enough to move the king to reconsider his action and the pope, through his special legates, proceeded to carry his threat into effect. The contemporary accounts of the interdict, which during a period of seven months lay upon the whole land of France, represent it as of the most terrible character. Only the sacraments of baptism and of the extreme unction could be administered. Divine service ceased throughout the country. Churches were closed, would-be worshipers were driven from the doors, the dead lay unburied, a terrible silence as of the tomb brooded over the land, and so forth. However much of monkish eloquence and exaggeration there may be in these recitals, the historical fact is beyond question that the effect of the interdict was to rouse against the king a kind of hostility he could not afford to overlook. As in the case of the excommunication of Henry IV in Germany, the result was the gradual loosening of the ties of loyalty in the king's own subjects. How much stronger those ties were in the France of the thirteenth than in the Germany of the eleventh century is proved by the greater length of the resistance and the entire absence of dangerous rebellions in any quarter. The pressure of which the chronicles speak is that of the great city populations, stirred to the very depths of their superstitious piety by their long-continued deprivation of the necessities of religion. Throughout the contest in France there was always most prominent the element of personal wrong on the part of the king. When that had been removed by his outward compliance with the demand of the pope, the interdict was instantly raised and, though the injured queen never recovered her conjugal rights, the papacy never thought it worth while to insist upon further concessions. The unhappy Agnes was sent into retirement where, after giving birth to a third child, she died.

Innocent III and King John of England.

In the dealings of Innocent with king John of England the issue is far less a personal and far more a national one. Grounds for personal attack there were enough, for John in his marital relations was quite as unscrupulous as Philip and at the very time of his enmity with Innocent, might well have been put to his trial on this account. The fact is, however, that we hear next to nothing of this matter; the issue of the quarrel was a quite different one. The point involved was the same as that in the German war of the investitures, namely to what extent the national and the papal interests should affect the appointment of clergymen in England. Down to this time the ancient rights of patronage had not been seriously disturbed by the spread of the Gregorian ideas. Innocent determined to carry out these ideas in the full meaning of his great predecessor. A test case soon arose in regard to Canterbury, the most important see of the realm. The nominating body there had for long been the monks of Christchurch, whose nomination was then confirmed by the king. In the vacancy of 1205, a candidate had been put forward by a part of the monks and sent on to Rome for confirmation, while another, set up by another faction of the monks, had received the approval of the king. Both sides appealed to Rome. Innocent declared first, that the monks had the sole right of nomination, without regard to the suffragan bishops, who claimed also a share and, secondly, that he would confirm neither of the candidates who had appealed to him. In their place and in virtue of his supreme judicial authority, he presented as his candidate Stephen Langton, an Englishman of the highest learning and character, a man in every way suited to the place.

Langton, the Papal Archbishop of Canterbury.

John resisted by every means within the reach of an unscrupulous feudal sovereign, especially by seizing on revenues of the church and appropriating them to the support of his followers. Innocent, having seen the good results of the interdict in France, resorted to the same measure in England. The accounts of the working of the English interdict, coming largely from the same sources, describe it in the same language as that employed in regard to France. The sufferings of the unhappy people are detailed in painful completeness. The fact

The Interdict in England.

is, however, that the people of England got on somehow without the consolations of religion for four years, and it is not until three years after the cessation of the interdict that the leaders of English politics took any decided action against the king. Furthermore, it is a singular comment upon the force of the papal ban that the personal unpopularity of the king, great as it may have been, did not move his subjects to take advantage of it to renounce their allegiance.

Magna Charta.

John himself gave way and that most completely, going to the fatal extreme of actually accepting his crown in vassalage from Rome. This was too much for the patience of Englishmen and resulted in the rapid growth of a feeling of English right as opposed to royal right, which took form in Magna Charta. Our present interest is to note that Innocent III, when he had got what he wanted from John, became his best supporter against those whom he characterized as rebels and traitors, because they had declared that they would not bear the irregular and unlawful exactions of a tyrannical king. It is a singular illustration of the force of the feudal theory that the barons at Runnymede did not raise fatal objections to the vassalage of England to the Holy See and that the tribute by which that vassalage was acknowledged was paid with more or less regularity for a hundred years, not to be formally refused until the days of Wiclif.

Innocent III and the Lesser States of Europe.

In the lesser countries of Europe we find Innocent carrying out the same system to even greater results. In the peninsula of Spain he found pretexts for interfering in the affairs of Portugal, Leon, Castile and Aragon, the new states into which the peninsula had fallen as the control of the Mohammedans gradually receded towards the south. Pedro of Aragon indeed went so far as to come personally to Rome and accept both his crown and his kingdom in vassalage from the Holy See. In the military and diplomatic complications in which all four of the Spanish states were involved, Innocent set himself up as final arbiter and in no case without a considerable measure of success. The threat of the interdict or the excommunication, proven to be so efficacious when backed up by favorable conditions, was freely employed and thus the ultimate issue, — obey or be cursed, — was plainly indicated to every sovereign power. The same restless energy led Innocent into successful interference in the affairs of Bohemia, Hungary, Dalmatia, Bulgaria and even the far-away Armenia.

Innocent III and the Gregorian Principle.

If now we compare the action of Innocent in the several European countries, we see that it illustrates perfectly the Gregorian theory of the papacy. It was dictated in every case by the interest of the papacy itself. It took lofty ground on moral questions when this was convenient for its ultimate purpose, but it would be the insanity of fair-mindedness to see in Innocent III the champion of abstract Christian right and justice for its own sake. One result of his administration was to make it perfectly clear that no national life was possible in Europe so long as this Gregorian principle was allowed to act. Every sovereign was necessarily the enemy of the papacy the moment he thought of himself as the actual disposer of the resources of his own country. Otto IV was the friend of Innocent only so long as he was out of power; the instant he became sole ruler he was driven of necessity into the anti-papal camp. Philip Augustus and John were each obliged to purchase the alliance of the pope by a pressure from below which it was in the power of Rome to screw up or down almost at its will. The problem of the waning Middle Ages was: how long could this burden upon the free development of national life be borne?

The Growth of "Heretical" Thought in Europe.

In the chapter on Scholasticism we shall have occasion to notice a form of religious thought which, for lack of a better term we shall call "Manicheism," and which had begun to have a powerful and widespread effect upon the populations of Europe. Its earliest public appearance in western Europe had been in France in the year 1022 and from that time on it was never wholly out of sight. In all the European countries, with very different names and in widely varying forms it had gone on gaining in numbers and in its hold upon considerable groups of men. We have noticed it in Italy under the name of the "Pataria" forming one of the elements in the building up of the Gregorian party. It had formed one of the accusations, true or false, against Arnold of Brescia; it found expression in the life and work of a notable movement in southern France in the early twelfth century under the leadership of one Peter de Bruys, from whom the sect were called Petrobrussians. This leader was burnt, the persecution was general wherever the doctrines could be unearthed, but in spite of all opposition they went on, carrying with them masses of the common people and threatening in places to drive out the orthodox faith altogether. The accounts we have of these heretical movements are considerable in quantity, but they have left us in much obscurity as to the origin of the ideas they carried and as to their relation one to the other.

Albigenses. and Waldenses

There is, however, one distinction which seems to be pretty well established: while all these hostile sects found themselves in opposition to Rome, there were some in which the element of opposition was largely doctrinal and speculative, while in others the chief emphasis was on the life of the individual and the uselessness, or even wickedness of the elaborate forms of the Roman machinery. The former of these classes were the alleged Manicheans, in all their variety; the latter may properly be called Anti-sacerdotalists, a term which implies hostility to the church organization. Of these two classes the Albigenses typify the former, the Waldenses the latter. The Waldenses take their name, probably, from one Petrus Waldus who appeared in the neighborhood of the city of Lyons about 1170, preaching a simple "apostolic" faith and life. It is highly probable that Waldus was only giving expression to ideas that had long since been held in that region and had been called out into action by all the reforming agencies of the time. It is important to remember that while this method of reform became branded with the name of heresy, its aims were essentially the same as those of the monastic preachers, and that, if the church had seen fit to employ all this reformatory zeal in its own work, it might have found just as effective allies in the Poor Men of Lyons as in the orders of Dominic and Francis which were so soon to begin their career of incredible success.

The Waldensian Principles.

The foundation principle of the Waldenses was that the Bible contained enough for the guidance of all Christians, that the simple order of the apostles was all that was needed for the management of the church, and that the life was more important than conformity to outward standards of faith. To follow the Bible they must read it, and so they ventured upon the step, which seems so simple and natural to us, but which at that time was thought by the church to be full of dangers, of making and spreading abroad translations of parts of the Scriptures. Their chief criticism of the existing order of things was directed against the wealth, the luxury and the unchristian conduct of the clergy. In this respect they said no more than all reformers were saying; but their unpardonable sin was that they formed an organization of their own, without any apostolic succession, without a priesthood, without any beyond the most simple sacramental system, and for this they have been persecuted by the triumphant church from that day almost to our own. The seat of the Waldenses was chiefly in the mountains of Piedmont. They were almost entirely hard-working peasants and artisans, with no powerful protection from any source. The power of their ideas is seen in the constancy with which they have stood out against every kind of persecution, until at last, in the regeneration of Italy, they have found their opportunity, and under the same venerable name are now growing and prospering in every city of the peninsula.

The Albigensian Heresy.

Quite different from all this is the character of the heresy which under the name of the "Albigensian" now called forth the utmost vigor of the great pope for its suppression. The Albigensians, so called from the town of Albi in Languedoc, were a branch of a widely spread group of persons who could not be satisfied with the Christian theory of the universe and its government. While they differed very widely in details, all members of this group agreed in their fundamental notion that the only reasonable explanation of the existence of evil in the world was to give up, once for all, the idea of a single administration of the universe. If there were only one God and that an all-powerful one, why had he not done his work better? Why had he, the all-good, allowed so much evil to get into the world? Why had he, the all-wise, apparently made so many mistakes in his management of things? The ready answer to all this was, that there was not one God but two, one good, wise, perfect, absolute; the other evil, capable of errors, imperfect, limited. Such reasoning has satisfied vast masses of men. For instance, it forms the basis of the great Persian religion, which has been for centuries the religious inspiration of a race allied to our own by community of descent. When, however, men came to apply it to Christianity, and especially to Christianity as the outcome of Judaism, they found themselves involved in many difficulties.

The Dualistic Argument.

We concern ourselves here only with those points upon which the Albigensian dualists came into conflict with the dominant faith. One of the first consequences of the dualistic theory was that the God of the Jews, as described in their writings, could never have been the good God, but must have been the lesser power, used by the greater as a convenient, though unconscious, agent in the creation of the world. The dualists therefore rejected the Old Testament as authority. Another consequence was the drawing of a sharp line between the spiritual and the material. Whatever was material belonged in the domain of the lower deity and was essentially base in its character. Man, therefore, in so far as he was a material being, was evil and his body was in a condition of hopeless conflict with his soul. The only way for the race of man to be redeemed was through a gradual process of spiritualization. Marriage, as tending to increase the mass of material men, was in itself an evil. It was, however, justified, in order that so many more chances might be given for the imperfect soul, when it had been freed from one body, to reappear in another and still another until it had become wholly spiritual and so a candidate for redemption. At any given moment the only souls that could be redeemed were those of the initiated, the pure and holy souls without sin, which formed the select body of the true church. Then again the idea that the great God could have come down to earth and actually have become a man was beyond all conception to the dualist. The thing we call Christ was only an emanation from the deity and was not at all a man, excepting in the mere form. His life on earth was only a vision, intended to impress men with the truth of his teaching, but not essentially the life of a man. Hence followed naturally the rejection of the doctrine of the Eucharist, with its coarse material idea of the body of Christ actually entering the body of the partaker.

Its Hold upon the Population of Southern France.

It is not without significance that these ideas found their readiest acceptance in a population that was, probably, as keenly intelligent as any in Europe. The citizens of the great industrial towns of southern France caught at the teachings of the dualistic missionaries and made them the basis of a living protest against the hollowness of the priestly life they saw about them. They did not proceed to any violence, but simply withdrew themselves from the association of the dominant religion. Their secular rulers, especially the count Raymond VI of Toulouse, finding nothing offensive to the public welfare in their doctrines, let them alone or even directly protected them from attack. Under these conditions they increased so rapidly that practically whole communities became converted, and the machinery of the church found itself for the moment incapable of dealing with so obstinate a resistance.

Direct Causes of Persecution.

As regards the character of the dualistic believers, we have the evidence of their persecutors, confirming that of their own declarations, to the effect that they were generally exceptionally moral and worthy persons. There are, to be sure, accounts of horrible crimes, such as the eating of children and the most unbridled licentiousness at public meetings, but we have to recall that these are precisely the charges made against the early Christian communities and probably with about as much foundation; that is, there were probably fanatics among these sectarians, as there were among the early Christians and their excesses may well have given rise to reports which were then magnified and applied generally to their innocent fellows. The real crime of the Albigensian was the unpardonable one of non-conformity. To the Catholic ideal there can hardly be anything worse than the refusal to do things as the established church commands. Such refusal seems to the Catholic mind to imply the possibility of all further horrors. It is to this day a popular maxim of Catholicism that heresy, that is divergence, cannot exist without an element of sinfulness going along with it.

Political Causes of the Albigensian Crusade.

In addition to this all-sufficient religious motive for persecution there were not wanting others of a more practical sort. There was, first, the antagonism of North and South, an opposition which, in spite of all efforts on the part of the French government, was still far from being overcome. The chief feudal prince in the South was Raymond of Toulouse, one of the leading feudatories of the crown. If he could be brought down by a combination of the crown with the papacy, the game was worth the candle. If his lands could be brought into the hands of more pliant subjects, it would be so much gain in the great effort of Philip Augustus to make himself king indeed of all France. The tempting bait of the rich lands of Languedoc was enough to secure abundant fighting material and the dangers of this domestic crusade were as nothing compared with those of an expedition to the East. The crusading ardor was at this moment decidedly on the wane. The result of the fourth Crusade had been far from encouraging to the purely religious interests concerned. It had ended in the capture of the friendly and Christian Constantinople by the crusading army under the lead of the clever traders of Venice and in much negotiation, with mutual good-will, between the heathen and the Christian leaders.

The outlook in southern France seemed to offer to the ambition of Innocent III the compensation he needed.

There is probably no doubt whatever as to the personal integrity of his purposes. If it be true that the end justifies the means, then the purest souls may employ the vilest methods. Certainly it cannot be said that Innocent resorted to the sword until he had exhausted all the resources of peaceful endeavor. Almost immediately upon his accession he had sent two legates into the infected districts and had called upon the local clergy to assist them in converting or in punishing the heretics. The response was not encouraging. It became evident that the awful principle of toleration had made great progress in the land. The local clergy knew too intimately the quality of the persons they were called upon to discipline and it was clear that a foreign agent would be needed. This point is characteristic of the whole history of the persecution. Nowhere in Europe, probably, was there a population more loyal to itself. A series of foreign, *i.e.*, French monastic clergymen, Arnold of Citeaux and Peter of Castelnau the most prominent, headed the work of peaceful exhortation. The inhabitants made no resistance, were in fact more than willing to set their own champions against the strongest debaters of the Roman church; but this process did not succeed. The more the method of argument was tried, the more the heresy grew. The church then as always afterward declared that this was only another proof of the devilish arts by which the souls of men were perverted. For nearly ten years the campaign of ideas went on; then a crisis came at the murder of Castelnau, possibly with the connivance of count Raymond.

Attempts at Peaceful Conversion.

From that time on there was no hesitation on the part of the pope. All previous efforts to rouse the crusading temper had failed. Philip Augustus, the overlord of the land, had his hands full in the north and the great barons of France were not yet

Opening of the Crusade. 1208.

ready to act. The murder of the papal legate seemed to break all restraints. Innocent renewed his summons to all the faithful in Europe, promising the same immunities from spiritual pains that had been offered for the much more costly journey to Palestine. The response this time was unexpectedly gratifying. Philip of France took no action himself, fearing possibly lest the appearance of wanting the southern lands for the crown might alienate the loyalty of his nearer neighbors; but he placed no obstacles in the way of his barons. Recruits of every description poured in from all over Europe, individuals and groups drawn together by the curious combination of motives usual in all the crusading armies.

Destruction of Languedoc. 1209.

Count Raymond, who up to the last moment had treated the whole affair with indifference, was now roused to the utmost, but failed to find support in any direction. In despair he threw himself upon the mercy of the church and swore to do as she bade him. In theory, of course, this removed all occasion for the crusade, but political hostility demanded satisfaction. It became evident that nothing short of the complete subjugation of the South by the soldiers of the North, got together under the pretext of a religious war, would suffice. The storm broke first upon the southern territory of Beziers a vassal state of the king of Aragon. First the capital city and then the strong fortress of Carcassonne fell before the crusading arms. Then came the vexed question: who should be the ruler of the conquered territory? The choice of the leaders fell upon a Norman baron, Simon de Montfort, count of Evreux and through his mother earl of Leicester in England. Montfort is the real hero of the crusade, a thorough soldier, a man fully believing in his cause but ambitious as well for the rewards in the shape of landed power, which success might bring. From Beziers as a central point, he maintained himself against all odds, and before his death nine years later had made himself actually sovereign in most of the lands formerly grouped under the name of the count of Toulouse. The whole course of Raymond VI and of his son Raymond VII is marked by hesitation when firmness was needed, by a policy of shifting from one party to another as the moment seemed to require, and yet by a sincere desire to spare their unhappy countrymen, so far as they could do it, the horrors of a religious war.

Outcome of the Crusade.

So far as the apparent purpose of the crusade, the purifying of the land from heretical thought was concerned, the papacy might well congratulate itself. It had distinctly established the principle that, if political allies could be found, divergence from its system might successfully be met with the sword. Its most important result was the permanent establishment of the Holy Tribunal of the Inquisition. The proceedings against the heretics of Toulouse had shown how utterly useless it was to entrust the pursuit of heresy to the local episcopal authority. Not only was the episcopate very largely contaminated by worldliness in every form; it was bound up with local interests in too many ways to make it a safe instrument of persecution. The next recourse had been to papal legates, specially created for this purpose, but this had only been able to call forth a lukewarm assistance from the existing local authorities. The only effective method was to create a new tribunal which should be composed of men who had no other interests. Such men were provided by the new mendicant orders and within a few years after the death of Innocent, we find the formal recognition by the papacy of the Dominicans as the regular organ for the searching out of heresy and its trial. From about 1230 on, it is fair to speak of the Inquisition as permanently established, though the natural jealousy of the episcopal clergy had to be handled a little carefully for some time and was never thoroughly overcome.

Gain of the French Monarchy from the Crusade.

The political result of the crusade was the definite breaking-up of the overgrown power of the counts of Toulouse, and by this means the incorporation of the south with the crown of France. The sovereignty of Montfort was a thing of a day. The nominal control of the county of Toulouse was restored to Raymond VII, but so diminished by the loss of portions here and there that it seemed no longer dangerous. The marriage of the daughter of Raymond with a brother of king Louis IX, as a condition of peace, brought a Capetian claimant into the question. The couple governed Toulouse until 1271, and then, as they died without children, king Philip III, in pursuance of the terms of a treaty, entered into possession. In this way the French monarchy gained the south of France, and perhaps its success there would have been long postponed if the religious troubles had not offered it this entering wedge.

Call to a Lateran Council. 1215.

While this enormous range of activities had been occupying the restless energies of Innocent III, he had long been making plans for a grand general council at Rome, which should seal all his achievements with the approval of the assembled church. It had been a point of honor with him to bring together as many representatives as possible, not only of the western, but also of the eastern church, in order that this assembly might fairly be said to have the "ecumenical" character. The result was most gratifying. If we may believe the accounts, more than two thousand prelates, entitled to a voice in the council, appeared at Rome in the month of November, 1215, and placed themselves without reserve under the leadership of the Roman bishop. It was the proudest moment in the whole history of the papacy. The all-important subject was the precise definition of heresy and the determination of the means to get rid of it. Several of the most dangerous sectarian doctrines of the time were taken up specifically and the policy of the church defined in each case. It will be noticed that the council did not establish the independent Inquisition, but went as far as it could in exhorting bishops to purify their own lands from every heretical stain. No person should dare to preach without the permission, either of the bishop or of the pope. The council recognized the patriarchal dignity of the four eastern churches, Jerusalem, Alexandria, Antioch and Constantinople, with the right of conferring the pallium on their suffragans, but declared that they must petition the pope for their own palliums, a barren clause of which no result was ever visible. The council recognized the two new orders of Dominic and Francis. The great central object of all Innocent's public declarations, the crusade against the infidel, was ordered for the ensuing year, place and time of gathering prescribed, and all the machinery of the pardoning power of the church invoked to whip up the lagging enthusiasm of the fighting-men of Europe.

Death of Innocent III. 1216.

The Lateran Council represents the culmination of Innocent's career. He turned himself anew to the reconciling of all differences among the powers of Europe, and to bringing them all into one vast combined effort for the final and permanent recovery of the holy places. In the midst of this activity, while at Perugia in the summer of 1216, he fell suddenly ill and died. The papacy of the future may without exaggeration be described as largely his work.

The years from the Lateran Council of 1215 to the death of Frederic II in 1250, a full generation of men, are filled by the continuation of the struggle of Empire and Papacy.

At bottom it is the same conflict which had been going on since the days of Henry IV, but in its detail it is very different and brings in side-issues which give it a quite peculiar character. On the imperial side the central figure is the emperor himself, young, eager, talented, bold or crafty as occasion required, the worst enemy the church had as yet had to meet. So long as Innocent III lived, the filial relation in which Frederic had stood to the pope had perhaps prevented any violent outbreak, and, indeed, Frederic had had quite enough to do in getting himself firmly fixed in the imperial office. The successor of Innocent was Honorius III, a man of far more gentle and pacific nature and yet not inclined to give up any of the advantages which Innocent's aggressive policy had gained for the church. It was not difficult for him to make satisfactory terms with Frederic and to secure him the imperial crown at Rome in the year 1220. The emperor on his side gave every assurance of devotion.

Frederic II against the Papacy.

The key-note of Frederic's Italian policy is found in his dealings with Lombardy. There, since the Peace of Constance, the cities had gone on each for itself, developing rapidly the forms of an independent democracy which were to give character to the political life of the whole peninsula. The control of the empire, secured at Constance, had been merely nominal, and the cities had got on so well without it that any renewal of the tie could only excite their utmost resistance. Frederic, however, saw in his Italian sovereignty the central point of his empire and was ready to sacrifice almost everything to that. Causes of disagreement were easy to find; the precise rights of the cities and the empire had never been positively defined, and things went so far that in 1226 Frederic was on the point of attempting to force the cities into line by means of his Saracen army, which was always

Frederic II and the Lombard Cities.

ready to his hand, the first effective mercenary force of modern times. The Lombards replied to this threat by the renewal of the old Lombard League, and a collision was averted for the moment by the intervention of Honorius III.

The Policy of Gregory IX. 1227–1241.

The situation was made more acute in the year following by the death of Honorius and the accession of Gregory IX, a worthy follower of Innocent III. The success of Frederic in Lombardy was of all things most dreaded by the papacy, since it implied the combination of northern with southern Italy in a resistless pressure upon the centre. To divert the emperor from this attempt there could be no better means than to force him into a crusade which would draw off his forces from Italy and compel him to make such terms that his sovereignty would not be endangered by absence. Frederic had promised to go to the Holy Land, but had delayed his departure on one and another ground, — pretext the papacy chose to say, — until Gregory, very soon after his accession, declared him excommunicated. In the correspondence which followed this act we have the clearest possible statements of the whole issue. True, the letters and proclamations on both sides are filled chiefly with a mass of recrimination on lesser points of detail, and so far as these go there is little to be said, except that one side was as bad as the other. In Frederic's letters at this crisis, however, we find him rising above the pettiness of the moment and declaring in the most distinct manner the real issues of the combat. He does not hesitate to say that the papacy is the enemy of all state power and is aiming at nothing less than its annihilation. He warns all the powers of Europe that unless they check this assault they will be reduced to absolute insignificance.

The animus of the papacy is best shown by its action when Frederic, having for the moment overcome all obstacles, set out on the crusade. He did this without making his peace with the papacy and that was enough. First anathematized for not going he was now doubly anathematized for going. According to the traditions of the crusading period the business of a crusader was to fight the infidel; no matter where, or how, or at what sacrifice of the real interests of Christendom, fight he must. Frederic, on the other hand, was man enough to see that fighting was not likely to do more for Christianity in the East than it had already done, namely, to waste thousands of lives and millions of treasure in fruitless struggle, and so he made a peace, the most advantageous act for Christian interests that had yet taken place in the course of the crusades. Here was another cause for papal wrath; the man who treated with the infidel must be a sort of infidel himself. So Frederic was anathematized for this and was forced to justify himself again in the eyes of Europe, by declaring his innocence of all infidelity and heresy. Not he, so he declared, but the pope was the real heretic in the case. It is interesting to see that while Frederic was anxious to free himself from the accusations of heresy and to make his peace with the church, we hear very little of the kind of superstitious terrors about the excommunication which are reported in France and in England under similar circumstances. The nature of the excommunication as a political weapon seems to have been here much more distinctly understood.

Frederic's Excommunications.

The Peace of San Germano in 1230 marks a resting-place in the conflict. Emperor and pope came together, discussed matters in person, were profoundly impressed with each other's good intentions and departed sworn friends. Frederic promised everything and was received back into the all-forgiving church. The interval of peace secured by this negotiation

Peace of San Germano and Frederic's Legislation.

was improved by Frederic to carry out a comprehensive scheme of reform in the administration of his inherited kingdom of Sicily. For the first time in modern Europe we have a system of government resting upon the definite right and power of the ruler to govern. The details of this reform belong in the history of modern times. Enough for our purpose that the distinct and acknowledged purpose of them was to break down the rights of all persons, both lay and clerical, which interfered with the direct action of the king upon the persons and the pockets of his subjects. A standing army, a navy, a regularly graded series of royal courts, a thoroughly organized hierarchy of royal officials throughout the kingdom, a well-defined and general system of taxation, whereby all this machinery of government was to be paid for; such are some of the features of this legislation which mark it instantly as opposed in every detail to the spirit of feudalism.

Frederic II and Germany.

The legislation of 1230–31 was confined to Frederic's kingdom of Sicily and southern Italy, but it could not fail to affect his relation with the empire as well. That Frederic was no such *doctrinaire* as Otto III is proved by his moderation in dealing with the traditions of Germany. The reforms of government in the south had been made easier by the familiarity with the principles of the Roman Law in those regions; the chief agent of the king in this matter had been his minister, Peter of Vinea, one of the most famous Roman jurists of the day. All the traditions of Germany, on the other hand, were hostile to those ideas of centralization which were reflected in the code of Rome. The successes of Frederic in Italy had been purchased by constant sacrifices to the spirit of independence in Germany, and it is a sign of his political wisdom that he did not try to carry out any thorough-going measures of centralizing authority there. At the diet of

Mainz in 1235 he proclaimed a "Landfrieden," the chief aim of which, the securing of public justice, is the same as that of the Sicilian constitution, but the means for enforcing it were still very far from being ready to his hand. Still, as before, he was dependent upon the good-will of the very princes over whom the authority was to be exercised, and this good-will must be bought by more and ever more concessions. This Landfrieden of 1235 is remarkable as being the first law published in the German language. It is instructive to notice that the date of these efforts to introduce into Germany something of the spirit of the Roman Law coincides nearly with the production of those digests of the German customary law, the Sachsenspiegel, the Schwabenspiegel and the Spiegel Deutscher Leute. Such digests are seldom made excepting under the pressure of conflict with another system, and the fact that the papacy felt called upon formally to condemn them in Germany shows how much their influence was feared and dreaded.

Battle of Cortenuova. 1237.

The harmony of empire and papacy could not last long. Lombard troubles broke out anew, not unwelcome to the emperor, since his new measures of organization both in Germany and Italy had given him new resources. This time he took hold of the matter in deadly earnest, marched an army made up of Saracens and German adventurers into Lombardy and faced the army of the allied cities. The League, now as in the days of Barbarossa, was ready but not anxious to fight. Their army held its ground until a feigned retreat of the emperor's forces threw them off their guard, when they broke up their camp and started joyfully for home. Then, suddenly attacked on all sides by the imperial soldiers, they rallied with all their old-time bravery and made a desperate fight, but without success. Milan as usual stood the brunt and paid the price. Deprived of its defenders, the city surrendered at discretion and was spared only upon terms most favorable to the conqueror. The effort of Frederic, like that of Henry VI, was to raise up against the cities the powerful interest of the remaining territorial nobility. The chief representative of this class in the north was the powerful count Eccelino "da Romano," to whom Frederic had given one of his illegitimate daughters in marriage, and who now begins the career of despotic cruelty which has made him the prototype of the Italian tyrant of the early Renaissance. A natural son of the emperor, Enzio by name, was married to a Sardinian princess and given the title of king of Sardinia. The princes on the lands of the papacy in central Italy were encouraged in every attempt at revolt. In short, the whole situation was untenable. It was an armed truce and no matter what might be the rights on a given point, the real question was whether papacy and empire could longer exist on the theory of an imperial control in Italy.

The Final Struggle of Frederic II with Gregory IX.

This question was now to be put to the test. In the year 1239 pope Gregory, driven to desperation by Frederic's clever politics, renewed the excommunication, this time releasing his subjects from their allegiance. Frederic again appealed to the judgment of Europe, declaring Gregory to be the common enemy of all governments, the promoter of heresies and schisms. If there had been any tribunal before which such a case could have been brought, the legal and moral arguments might have had their effect. As it was the question had to be fought out with the weapons of ordinary politics. Gregory called upon the clergy of all Christendom to come together in council at Rome and Frederic determined that this council should never meet. A large number of prelates from the north, including three cardinals, gathered at Genoa and set sail for Rome; but

Pisa was a good Ghibelline city and the mortal foe of Genoa. A Pisan fleet in the emperor's service met the Genoese squadron in the open sea, completely defeated it in a pitched battle, captured more than a hundred of the clergymen on board and carried them off prisoners to Naples. 1241. Rome itself was threatened by the emperor and only escaped by a sudden impulse of virtue on the part of her citizens. While an imperial army was before the city the pope, still the animating spirit of the Roman defense, suddenly died.

Renewal of the Conflict by Innocent IV. 1243–1254.

The situation of parties was not altered in the slightest particular. One pope elected died in a few weeks. The cardinals hesitated long in their next choice, but finally, under pressure from both the emperor and his enemies, elected a Genoese, whose family had always been favorable to the empire. Frederic, congratulated on this outcome of the election, summed up the whole situation in the words "no pope can be a Ghibelline." The same mockery of a peace based on mutual concessions was gone through with as at the accession of Gregory IX, but any hopes based thereon proved equally delusive. The appeal to Christendom, attempted by Gregory, was carried out by Innocent. He contrived to escape from Rome to Genoa and thence passed over into France, already so often the refuge of popes in despair, and destined to be their asylum for the greater part of the following century. At Lyons he summoned a general council to consider the affairs of all Christendom, but especially the troubles with the empire. 1245. Frederic sent legal representatives who argued his cause with all the ingenuity of the new school of legal learning. His cause was that of all princes, but they were not yet in extreme need and left him to fight it out alone. The council supported the pope and declared Frederic deposed from the empire.

The remaining five years of the emperor's life were occupied in desperate attempts to rally to his cause all the elements of European politics which seemed likely to find their interest in opposing papal aggression. Of such political elements there were enough, but to unite them in effectual opposition was quite another matter. The empire had never, in its whole history, commanded anything more than a nominal superiority over other European powers and now, when these powers were each just becoming acutely conscious of its own rights and jealous of any interference with them, was a most unfavorable moment for seeking alliance against a common enemy. If Frederic's furious denunciations of the papacy and his elaborate legal arguments had any effect upon France and England, it was only to make them more careful in guarding their own rights, not to draw them into any effective alliance with him.

Combinations in Germany and Italy.

The papacy on its side had determined upon the ruin of the House of Swabia as the only solution of the problem. In Germany it favored a conspiracy of the good old sort by which Heinrich Raspe, landgraf of Thuringia, was elected king in opposition to Frederic's son, Conrad IV. In Italy it kept up its former policy of organizing the opposition of the Guelf territories and cities to every act of the emperor. "Guelf" had now come to mean simply "anti-imperial," no matter whether the positive meaning for the moment were "papal," "free-municipal" or what not.

As to Naples and Sicily we see already, in Innocent's turning to France, the foreshadowing of a scheme to oust the Hohenstaufen monarchy of the south and to replace it by a dynasty which should promise better things for the papal rule. The old saying of Liutprand, "The Italians always like to have two masters, that they may play one off against the other," was fulfilling itself again.

Frederic II died as he had lived, unreconciled with the church, and leaving to his successors only a heritage of conflict. His son, Conrad IV, was already king of the Romans and maintained himself in Germany in spite of repeated efforts to set up rival kings against him. He also succeeded by right of inheritance to the crown of Sicily, though the real soul and centre of the Hohenstaufen interest there was Manfred, an illegitimate son of Frederic II, the idol of the nation, a brilliant, reckless youth, the very kind of man to become the centre of a half-legendary tradition which here takes the place of well-authenticated history. Conrad IV got on with Manfred, then a very young man, by making him, in fact, though not in name, the chief person in the country. Conrad's sudden death in 1254 opened up anew the whole question of the succession. The papacy never for a moment forgot that the kingdom of Sicily was nominally a papal fief, and here was the chance to make its over-lordship effective. Innocent IV gathered an army and opened negotiations with Manfred as to a papal occupation of the kingdom. Manfred, on his side, having no legitimate claim to sovereignty, was willing to admit the pope in the hope of gaining the investiture for himself. Innocent occupied the territory but was far from being willing to advance any of the "accursed brood" of Swabia to power in Italy. Had he lived we may be tolerably sure that his policy would have hesitated at nothing to secure its end. His death within a few months gave heart to the national party. Conrad IV had left an infant son, Conrad ("Corradino" of pathetic memory), and by the rule of inheritance he was the heir to the Sicilian crown. But the German connection had never been popular in the kingdom, and Manfred was the very type of hero dear to the southern heart. At first regent, he was finally elected king of a

Manfred, 1250.

1254.

1254.

country which he alone had defended and freed from all its enemies.

Manfred became thus the central figure among the Italian Ghibellines, who everywhere sought his alliance. His kingdom recovered at once from the disorders of the previous years and seemed, under the wise reforms of Frederic II, to promise a long career of prosperity. Then began to ripen the papal plot with France, which from that day until 1870 never ceased to be the curse of Italian politics. Pope Urban IV was a Frenchman, and upon the failure of negotiations with an English candidate, for the Sicilian throne, persuaded king Louis IX to permit his brother, Charles of Anjou, to accept the attractive proposal. Never was there a more scandalous abuse of the papal theory. The state against which invasion was being preached as a pious deed was a peaceful community, living under its own laws, without even that connection with the empire which had been the papal excuse for previous hostilities. Pope Clement IV, another Frenchman, pushed the scheme with the utmost energy; the expedition was declared a crusade, so grossly perverted had the ideas become which had inspired men in the early following of the cross. Not even the excuse of heretical depravity, which had seemed to justify the war against the Albigensians, could be alleged here. Enmity against the papal state was now clearly declared to be a crime as foul as enmity against Christianity itself.

1258.

French Plot in Southern Italy.

Charles of Anjou, as thorough an adventurer as any who ever laid lance in rest, landed at Ostia and entered Rome in the spring of 1265. Here he was made "Senator" of the city, in accordance with a practice now common throughout the peninsula of giving the executive power of a city to a stranger. Here also he received the papal investiture as king of Naples and Sicily.

Charles of Anjou in Italy.

Manfred moved northward into the neighborhood of Benevento and awaited there the attack of Charles. It was nearly a year after his arrival before the French invader found himself strong enough to venture upon a battle. In the plain of Benevento the issue was fought out and Charles' victory was complete. The Hohenstaufen tragedy in Italy wanted but one act to bring it to a close. The experience of the papacy with Charles of Anjou was the same it had already made and was yet so often to make again, that in calling in a servant it had found a master. Charles was in deadly earnest; a rough, unscrupulous soldier, checked by no consideration for Italian interests, and when he struck a blow putting all his force into it in a way quite unfamiliar to Italians. He became the recognized head of the Guelf party in the peninsula and went on to act as such without regard to the papal wishes. Florence made him her *Podesta* for the extraordinary term of ten years.

"Corradino," 1268.

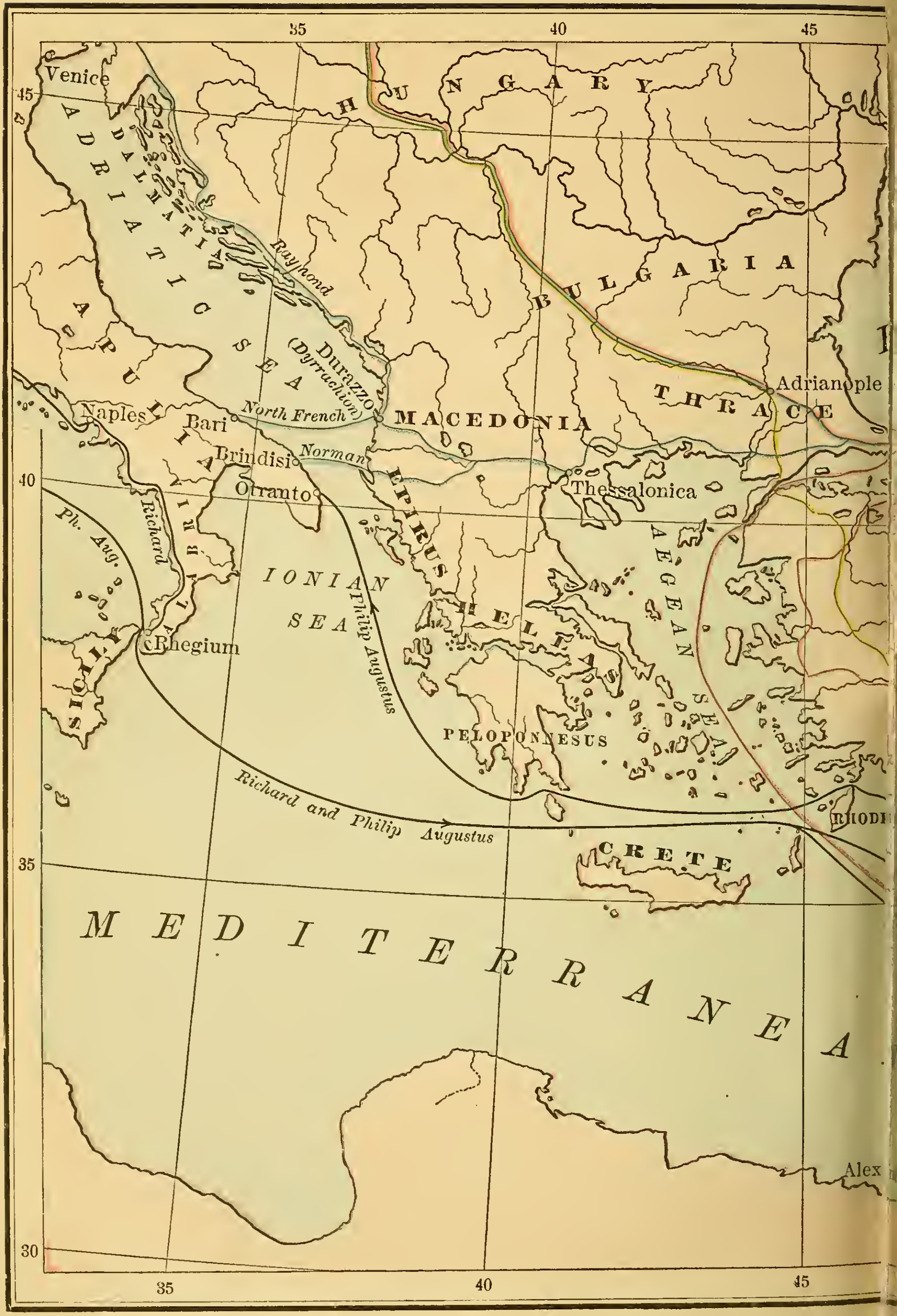
For the moment the Ghibelline party had no one to oppose to him, but meanwhile, in the far north, their new leader and victim was ripening to his part. The young Conrad, son of Conrad IV, was now a stripling whom all accounts represent as the same ideal of youthful courage and energy as was his grandfather Frederic, when, at precisely the same age he had gone up into Germany to claim the imperial crown. The whole Ghibelline party, united in nothing else, joined in a summons to Conrad to come into Italy and to put himself at their head. Even Rome, for the moment in Ghibelline hands, received him within her walls and gave him a substantial force of soldiery. His army was of considerable strength, and he relied upon the prevailing discontent in the south to help him still further. Charles of Anjou awaited the coming of Conrad near Tagliacozzo in Apulia and there on the 23d of August, 1268, occurred the fatal battle which decided the fate of the Hohenstaufen kingdom forever. It was a desperate struggle and seemed already won by Conrad when Charles, who had held a part of his forces in reserve, suddenly brought them into action and turned the fortune of the day. Conrad and his cousin Frederic escaped to Rome, but while trying to get away by water were captured and handed over to Charles. Their brutal execution at Naples, without a word from the pope which might have saved them, ends the drama begun in 1194 by the marriage of Henry VI to the Norman heiress of Naples and Sicily. In whatever light we may view it, it was a foul crime, uncalled for by any political necessity and unjustified by any usage of mediaeval warfare.

The murder of Corradino was the triumph of the papacy over the empire. From this time on the empire becomes a totally different institution. It never again, as such, makes any effective claim to sovereignty in Italy. Since the death of Frederic II it had been of so little account in Germany that although there was a series of persons called kings of the Romans, the period from 1250 to the election of Rudolf of Habsburg in 1273 has come to be known as the Interregnum. Yet none the less certainly did the same events proclaim that the papacy too, in its mediaeval form, was doomed. One generation more and the same nation which had sent an army to defend its cause in Italy was to strike it in the face with the iron glove of one of its own subjects, and was then to capture it and hold it, an ignominious tool for political ends, during nearly a century more.

In short here is the proper end of mediaeval political history. With the last quarter of the thirteenth century we find everywhere in Europe certain indications that the ideals of the past are being replaced by those of the future. In England the year 1268 marks the definite beginning of the House of Commons as a permanent political force. In

Germany the Habsburg empire, deliberately giving up all Italian ambitions, becomes national in its aims and recognizes its federative character. In France the kingdom of Philip IV deals with all the territory of the realm as with a royal possession and goes with light heart into a mortal combat with the papacy, contented with the support of its subjects and laughing at the papal excommunication. So in Italy the ruin of the empire is far from being the acceptance of the papacy as the arbiter of Italian destinies. The names Guelf and Ghibelline cease to have more than an occasional reference to the issue of Church *vs.* Empire and designate merely political parties divided on the local issues of the hour.

Within this quarter of a century we have in the two typical republics of Florence and Venice the final establishment of forms of government destined to be permanent. In Florence the "Ordinances of Justice" of the year 1294, place the power of the state in the hands of the great industrial classes; in Venice the "Closing of the Golden Book" in the year 1297 fixes the power in that aristocracy which had conquered an empire and made itself master of the commerce of the East. In neither case is there any room for an imperial over-sovereignty like that for which the mediaeval heroes of the House of Swabia had wasted their resources for more than a century.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Venice
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APULIA
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Durazzo (Dyrrachion)
North French
Naples
Bari
Brindisi
Norman
Otranto
MACEDONIA
BULGARIA
THRACE
Adrianople
Thessalonica
EPIRUS
CALABRIA
Richard
Ph. Aug.
SICILY
Rhegium
IONIAN SEA
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AEGEAN SEA
PELOPONNESUS
Richard and Philip Augustus
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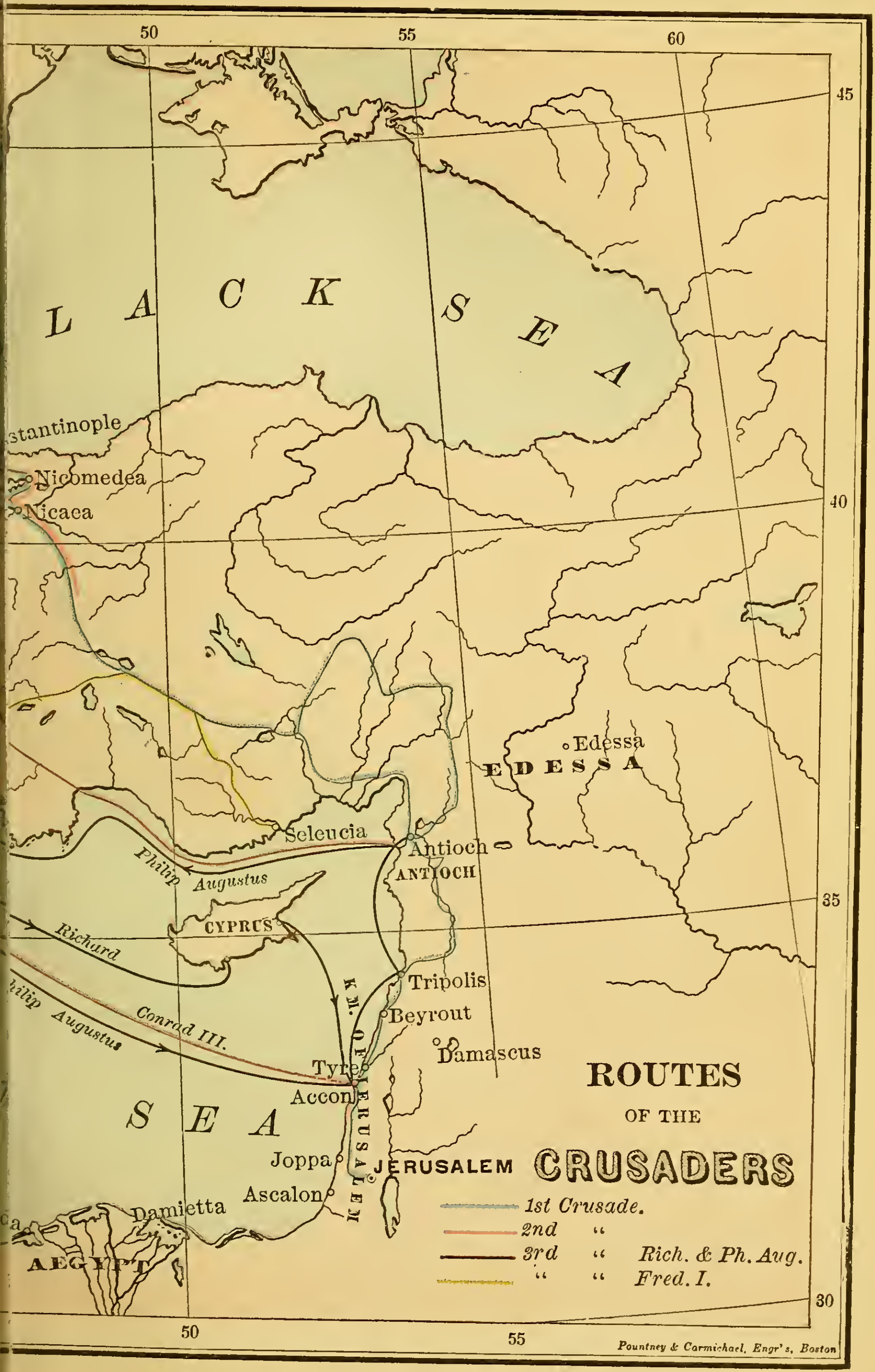
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L A C K S E A
stantinople
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Philip Augustus
CYPRUS
Richard
Tripolis
Beyrout
Damascus
hilip Augustus
Conrad III.
KM. OF JERUSALEM
Tyre
Accon
S E A
Joppa
JERUSALEM
Ascalon
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AEGYPT
ROUTES
OF THE
CRUSADERS
1st Crusade.
2nd "
3rd " Rich. & Ph. Aug.
" " Fred. I.
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CHAPTER XI.

THE CRUSADES.

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The Period of the Crusades.

The whole period from 1100 to 1300 is often known as the period of the crusades, and it has become almost a habit of historians to speak of the crusades as if they were the all-sufficient explanation of most of the phenomena of European society in this very complicated period. It will be our purpose rather to regard them as one of these phenomena, one of the most natural consequences of the ideas and institutions which we are studying in other connections. There has grown up, also, a traditional way of describing them by numbers, which has led us to overlook the fact that for two hundred years the crusade was always going on. Now and again a more than usually strong impulse set special troops of armed men in motion towards the Holy Land, but between these more impressive demonstrations of the crusading spirit there was a continuous ebb and flow of European enthusiasm and courage to and from the East. There was always work to do there, and individuals or small parties could always find occupation for their superfluous energy, and a chance of reward for the expenditure of their resources.

The Crusades by Number.

For our purpose we shall make use of six of the most striking outbreaks of the crusading zeal, and shall group around these such other incidents as seem best to illustrate them. The first will be the early preaching of the Crusade and the half-experimental enterprises which resulted in the capture of Jerusalem, and the establishment there of a kingdom intended to be permanent. The second is the great uprising of Europe, as the permanence of this kingdom is threatened, and as the conviction gains ground that the way to maintain it is to carry out enough European soldiers to defend the great centres of life in the whole region included under the somewhat fantastic idea of the Latin Orient. The third is the romantic combination of Richard of England with his bitterest foe, Philip Augustus of France, and the Archduke Leopold of Austria, brought about by the thrilling news that Jerusalem itself had again fallen into the hands of the enemy under the greatest of Moslem leaders, the famous Saladdin. The fourth is the expedition of the Venetians, which resulted not in victories over the infidel, but in the capture of the friendly capital of Constantinople, and the conversion for a time of the Byzantine empire into an empire of the Latin race. The fifth is the series of adventures which centre about the personality of Frederic II; and, finally, the sixth is the last desperate attempt of king Louis IX of France to rouse once more the old enthusiasm for an ideal which had ceased to animate the most active elements of the European population.

The Earliest Impulse to the Crusades.

The idea of a combined effort of the Christian world to secure the holy places of Jerusalem, and to hold them as the common property of Christendom, goes back at least as far as to Gerbert, the pope Sylvester II (999-1002). His fertile fancy had been kindled by the thought of these sacred spots in the hand of the infidel, and, as the mouthpiece of the mourning city, he had written a letter to the princes of Europe.[1] The fact was, however, that there was not, as yet, sufficient cause for mourning. The Mohammedan conquerors who held Syria were the early Arab peoples, to whom Christianity was too nearly related by its character and its half-Semitic traditions to excite their very bitter hostility. The real impulse came when these Semitic Mohammedans were in their turn conquered by the Seldschukian Turks, who, in the latter part of the eleventh century, came streaming into western Asia from the regions north of China, just as their predecessors and relatives, the Huns, had done in the fourth and fifth centuries. These Turks were, it is true, converted to Mohammedanism, but they wholly lacked those bonds of common racial and religious tradition which had brought Christians and Arabs near each other. The sacred places of the ancient Jewish religion had no meaning for them, and the streams of Christians pouring all the time along the roads from the north and the west could only seem to these newly converted zealots like so many natural victims of their own foolhardiness.

Crusading Efforts of Gregory VII.

The emperor of the East, threatened in his own capital by these terrible warriors, who had beaten him in open fight at Manzikert in Armenia (1071), turned for help to the only visible power whence help could be expected, to the Roman papacy. Gregory VII, always on the alert for his own advantage, believed that he

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[1] See p. 158.

The other aspect, the military and political, began almost at once to make itself visible. The response to the summons at Clermont came chiefly from the highest chivalry of France and of that Norman Italy which was also French in its blood and training. Hugh of Vermandois, brother of king Philip I, Robert of Normandy, brother of king William II of England, Stephen of Blois, Robert of Flanders, Raymond of Toulouse and Godfrey of Bouillon, duke of Lorraine, were the central figures of the French chivalry. Boemund, son of Robert Guiscard, the Norman adventurer, and his nephew Tancred led the contingent of southern Italy. Central leadership in this vast and far-reaching enterprise there was none. Every feudal baron was an independent adventurer, with as many followers as he could get, and the only principle of union was the voluntary subordination of the lesser under the greater for purely practical purposes, a subordination which shifted as chance or profit might dictate. The various troops made their way to the East as best they might, all converging upon Constantinople. Nor was there anything like a settled policy, by which the motion of this tremendous warlike machine could be determined. The very first problem was how to get on with the power which after all had called the movement into being and which had the most direct personal interest in the result. The emperor of Constantinople at the time, Alexius Comnenus, was a very clever politician. He needed the crusaders to help him drive back the Turk from before the very gates of his capital, but he was too clever not to foresee that their first inquiry after the hoped-for victory would be, "To whom belong the spoils?" Furthermore, desperate as his strait was, he was at an advantage as compared with these hordes of fighting-men, far from their homes, absolutely dependent upon him for bread to eat and counting upon his assistance in the desperate struggle before them.

Political Aspect of the First Crusade.

Relations of the Crusaders with Alexius Comnenus.

Doubtless the most important question for Alexius was the recovery of Asia Minor, but he could not forget that Syria too had once belonged to the empire and, if recovered, ought, in the imperial theory, to come back again into his hands. If the crusading leaders had any theory about it, it certainly was not this. So far as the great religious object was concerned they were united; but beyond that it was every man for himself. Instead of making with the crusaders as a body some provisions for the disposal of the lands to be conquered, the crafty Alexius turned upon them individually the convenient principles of their own feudalism and secured from each of them in turn an oath of vassalage, before he would consent to further their passage into Syria. Whatever else the crusaders may have been, they were not clever. Their first military achievement was the capture of the very strong fortress of Nicea, the key to Constantinople on the east. Alexius had helped very little in the siege, but contrived to slip a garrison into the place just before it was surrendered and then shut the gates upon the crusaders, inviting them to pass on.

Capture of Antioch. June, 1098.

In the long and perilous march through Asia Minor the emperor gave little or no assistance, but took advantage of some victories of the crusaders to regain possession of pretty nearly the whole peninsula. The terrible passage of the Tarsus mountains brought the army out into the plain of northern Syria and along near the coast to the Syrian capital Antioch. The capture of this, the key to the whole of Syria, delayed the crusaders a full year. It was an adventure of the good mediaeval type, a siege with all the apparatus of machinery known to the age, a capture by storm and then a long and weary defense against swarms of assailants, which were renewed as fast as they were reduced by sallies of the might thus open the way for a complete subjugation of the eastern church to the papal control, and actually went so far as to gather an army and make ready to put himself at the head of the undertaking, when he was called off by the pressure of the German troubles. The plan fell through, but the impulse was not lost. Just in proportion as the growing power of the papacy gave to Europe a sense of common interest, so the minds of men were made ready for the preaching of the crusade. The revival of active measures began with the papacy of Urban II, a Frenchman by birth, the heir of all the successes of Gregory VII, and filled, as he had been, with the profoundest sense of the papal mission. Renewed entreaties from Constantinople gave opportunity for a general appeal to western Christendom; and at Piacenza, in the spring of 1095, Urban held his first great general council, and there, with immense applause from the assembled thousands, proclaimed for the first time the duty and the glory of the crusade. Passing over into France, in the region where the great religious movement of the time found its centre and its most vigorous nourishment, he held another great assembly at Clermont in Auvergne. There, after a fiery speech from the pope, in which he held up to his hearers the miseries of the holy places, and the duty of Christendom to lend a hand in their defense, a storm of enthusiasm seemed to carry away the vast multitude of laymen and clergymen, and, as if by an impulse quite independent of the papal leading, there broke forth the passionate cry, "It is the will of God," which was the key-note of the nobler aspect of the whole crusading time. Up to that moment the leadership had been in the hands of the papacy, and the call had been to defend the emperor of Constantinople from the pressure of the Turk, and so, secondarily, to make Palestine accessible to the devotion of the West.

Henceforth, during all the early period of the crusades, the moving impulse was to act just in the reverse order. The primary thought was the recovery of Palestine, and the interests of the eastern empire fell distinctly into the background. This aspect of the case was vastly strengthened by the impassioned preaching of the monk Peter of Amiens, not the originator of the crusade, as later legend has made him, but doubtless a potent force in bringing the crusading spirit to the white heat of action. Under this impulse we see at the side of the papal and aristocratic effort a vast popular enthusiasm seizing upon masses of peasantry and citizens all over Europe, and leading them in great undisciplined streams of humanity towards the East. This was the purest, but at the same time the saddest phase of the whole period. Of course such a demonstration could have but one result. On the long and terrible march through the Danube valley, through a country, Christian, it is true, but not on that account the more willing to be plundered of its resources, thousands of these aimless wanderers perished by the way, or dropped out of the ranks, only to be drifted off, nobody knew where, into permanent misery. The masses which arrived at Constantinople without intelligent direction, and with no reasonable plans of operation, fell easy victims to the attacks of their disciplined enemies, or to the neglect of their still more dangerous allies. This first phase of the crusades can be thought of only as one of those madnesses which, oftener in the Middle Ages than at other times, seized upon whole communities and swept them on to deeds of reckless courage or fanatic self-immolation. It served, as such extremes always do, to put before the minds of men the heroic side of their undertaking, and to offer standards which others might strive, though afar off, to maintain.

Motives of the First Crusade.

defenders. The issue was finally decided by an exploit of the Norman Boemund, who led out the whole disheartened and weakened army of the Christians against a countless host of Moslem, led by their greatest chieftain. The victory of the Christians was decisive, not only for the fate of Antioch, but as a proof that their superior military skill would give them the advantage over a much larger army of the infidel, if only they could have the fortune of a fair fight in open field. Now came the question, what to do with Antioch? Were the princes who had rescued it to hand it over to the sly Alexius who had done nothing in its service? The answer could not be doubtful; Antioch remained in the hands of the crusaders and Boemund, by the right of superior force, maintained himself as its governor, while Raymond of Toulouse, already his bitter rival, moved on southward with the main army toward Jerusalem.

Capture of Jerusalem. 1099.

The capture of the Holy City was far less difficult than that of Antioch. In the midsummer of 1099, after a short but sharp conflict, the Christian army found itself at the goal of its struggles. Jerusalem was a Christian city; but now again rose the question of its future. Was it to become once more a provincial capital of the Roman empire, — was it to be the spoil of some crusading prince,— was it to be treated as the property of the whole army together, or finally was it to be placed beyond the reach of political disturbance by making it a purely spiritual state? All these alternatives were before the princes. As to surrender to the empire, that seemed beyond all possibility. In the first moment of lofty exultation over their victory, personal rivalries were for the moment silent and it was felt that the decision must rest with the whole body of the princes. There remained the question of lay or clerical control. The clerical party found a leader in the ambitious Dagobert, bishop of Pisa, who demanded recognition as Patriarch of Jerusalem with sovereign rights over the new state. After long and troublous negotiations the first part of his demand was granted, and he was accepted as spiritual head of the land; but at his side was to be a temporal prince, on whom the responsibility of defense must rest. It was determined to organize a government on the only model known to the princes, namely the feudal, and the kingship, offered to several leaders, was finally accepted by Godfrey of Bouillon.

Organization of the Kingdom of Jerusalem.

Tradition has ascribed to Godfrey the origin of all the later institutions of this custom-made kingdom. In fact he reigned but a short year, was never crowned king, choosing rather to call himself "Defender of the Holy Sepulchre," and found himself fully occupied in defending his land from a furious assault from the south. The great battle of Ascalon delivered Syria for a long time to come from the terror of the Egyptian Moslem. It remained for the conquerors so to organize their conquest that its permanence and its strength should be secured. To this end the very first requisite was a strongly centralized control of the military forces and of the financial income of the country. Only in this way could the diversities of race and the selfish ambitions of the individual leaders be overcome and the whole strength of the newcomers be turned to the defense of the land and its development into a peaceful and prosperous Christian state. In fact the very opposite of all this happened. The whole spirit of European life was opposed to strong centralization and, of course, the crusaders carried with them to the East the same ideas of politics and social organization that they had had in their homes. From the very first moment the success of the expedition had been delayed and endangered by the furious jealousies of the leaders and their followers. These jealousies were

Aug. 12, 1099.

partly national, but far more individual. Each prince aimed primarily to get the most for himself that he could, and only secondarily to advance the general cause. Like all other mediaeval enterprises the crusade was a series of personal feats of arms carried out at enormous expenditure of men and money and bringing results small out of all proportion to the outlay.

The Four Principalities.

After the conquest of Jerusalem the settlement of the conquered lands was dictated by just the same narrow and shortsighted policy. We hear most often of a kingdom of Jerusalem, but this was only the chief in honor in a group of four quite independent principalities. Its limits were the Jordan on the east, the sea on the west, the neighborhood of Beyrout on the north, and on the south a line varying from about Ascalon to the point of the Red Sea. Adjoining the kingdom of Jerusalem on the north was the county of Tripolis, north of that the principality of Antioch, which at times included a great part of Cilicia but remained limited generally to a narrow strip between the sea on the west and the Orontes and the mountains of Lebanon on the east. To the northeast lay the county of Edessa, the stronghold of the Christian communities of Armenia, reaching out at first as far as the Tigris but lost to Christianity after fifty years of perilous existence.

The Immigration from the West.

The first effect of the conquest was to release a great part of the Christian army from the obligations into which they had entered when they assumed the cross. The notion of feudal service was always based on the idea of a limited time; the enterprise was over and the crusader might now go home without any sense of violated pledges. The fortunes of the new states were left in the hands of a few princes, who saw here an opportunity for getting power and wealth under the attractive pretext of the service of religion. For the moment these were states without a population. The lands along the rivers and the sea were of immense fertility, but under the mad policy of a religious war their former inhabitants had been almost entirely driven out or murdered. To kill an infidel was a service to God. The accounts of the first years after the capture of Jerusalem represent the guardians of the holy places as in the deepest despair, inclined even to give up the whole thing and go back to their homes. Meanwhile, however, the reaction of the conquest was making itself felt in Europe. Exaggerated stories of the wealth and attractiveness of the East began to be spread and soon a steady stream of pilgrims set in along the routes now made safe even for comparatively undefended companies. This became especially true of the sea-routes from Genoa, Pisa and above all from Venice. The clever traders of these cities began to see their profit in forwarding these masses of eager travelers and soon developed a regular system of transportation in vessels specially built for the purpose, capable, if we may believe the contemporary accounts, of carrying as many as fifteen hundred persons. Twice in the year — in early spring and again in August or September — a regular migration of pilgrims took place. Such an expedition was known as a *passagium*, and we have preserved at Venice a very curious record called "*De passagiis in terram sanctam*," from which much of our knowledge of these voyages is derived. The theory of these trips was that they were pilgrimages, undertaken primarily with a religious purpose, but, remembering how little connection there has often been between the impulse of sincere religious enthusiasm and a decent life, it will not surprise us that the members of these companies were anything but select persons and that their undertakings were in many ways a scandal to Christendom.

Gradual Settlement of Syria.

Our most instructive point of view is to regard them rath as emigrations than as pilgrimages. The eastern lan were rapidly becoming colonies, and it was t interest of their rulers to attract settlers w would give promise of becoming useful, not merely in the defense but also in the development of the country. Along these lines a certain success was attained. The population did slowly increase; the natural fertility of the soil rewarded even the rudest attempts at agriculture, the native populations, after the first rage of Christian zeal was over, wandered back more or less into their former places and were tolerated with that indifference which comes with the sense of strength and with greater familiarity. Henceforth the history of the crusading times follows two almost entirely distinct channels, according as we are concerned with the zeal for conquest of those who went out from Europe to do the fighting and come back, or with those who, remaining in the country, had all the labors and responsibilities of a continuous defensive and of administering the affairs of the new-born states.

Oriental Feudalism an Importation.

As to the form of government to be adopted there could be no more question about that than there would be to-day if citizens of the United States should found an independent settlement in a perfectly new country. The feudal principle had by this time come to be thoroughly rooted in the European consciousness, and precisely for such an undertaking as this its elasticity and its adaptability to new relations of individuals to a state made it a most useful instrument. Its fundamental weakness — the lack of a sufficient tie between the centre and the members — of course made itself felt here as elsewhere. It is a singular fact that we have some of the clearest documentary evidence about it in two countries far removed from each other, and both lying outside the group of states

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which it was most at home. The England of William the Conqueror and the kingdom of Jerusalem during the first half of the twelfth century are illustrations of the working of feudalism, not as a growth but as a complete system, deliberately imposed upon the land, with full consciousness of its meaning and its dangers. Where, as in the European countries of the continent, feudalism had been a natural growth, produced by economic and military necessity out of already existing conditions, there went on, from stage to stage, a rude adjustment of its opposing tendencies to the immediate pressure of politics. In these two remote applications of it there was in each case an emphasis laid upon that side of it which seemed most likely to work to the advantage of its framers. England was conquered by a powerful territorial prince, with a tradition of allegiance behind him and a band of followers already bound to him by ties of personal fidelity and having all to expect from his personal favor. Jerusalem was conquered by a disorganized group of individual leaders of different nationality and each with his fortune to make by his own cleverness; they agreed upon the choice of one of their number as king, but it was they who made him, not he who would make them. Hence, in England, we find the feudal system applied with all possible emphasis upon the obligations of the subjects to the king and his rights over them. In Jerusalem we find the same system stretched as far as possible the other way, so as to secure to the princes the greatest possible freedom and to cut down the prerogatives of the king to the lowest point.

Later tradition has ascribed to the heroic and uncrowned king Godfrey of Bouillon, the publication of the written code in which the feudalism of the east has come down to us. Present scholarship, however, places the definite

The Assizes of Jerusalem.

putting into shape of this work at least a half century later than Godfrey's time. It is known as the "Assizes of Jerusalem," *i.e.*, a guide to the courts of law (*assises*) which had the settlement of disputed cases of property and the care of public order. If ever the definition of feudalism as "organized anarchy" was true, it is so here. Weakness in the defense of the border, wastefulness in the use of the public resources, contempt for the great middle farming and trading classes which must form the backbone of any successful state, were all legally secured to the unhappy kingdom by this written code.

Causes of Duration of the Syrian States.

The wonder is that the Syrian states could have lasted as long as they did. This duration can partly be accounted for by the wholesome fear of the Christian arms which resulted from their first successes. Almost always when the Christian and Mohammedan forces came to a fair fight in the open field, the Christians, or, as we may now call them by their usual eastern name "Franks," proved equal to far greater numbers of their more active, but lighter-armed enemies. In the art of besieging and defending cities they were beyond all comparison superior. Their strong hold upon the country lay in the fortified places near the seacoast and in the too few outposts which they had been able to defend along their eastern border. It doubtless helped to secure the Christians along the coast, that the lands they held there had no especial value to the Turks, beyond their natural advantages as places of commercial importance, whereas to the Franks it was not so much land, but precisely *these* lands and no others that they prized. But undoubtedly the great resource was the constant supply of new fighting material poured in from the West. Whatever other motive might animate the wanderer of the cross, a fight with the infidel was always attractive. Nor can we omit to mention the gradual growth of an organized body of professional defenders of the holy places, whose sworn obligation it was to stay in the country and devote their lives to this service.

The Military Orders.

In the interval between the first and the second crusade, we find the beginnings of the three great military orders, the most singular combination of the dominant ideas of the Middle Ages that we shall meet anywhere. The monastic idea, excluding the very thought of fighting and the knightly theory, totally opposed to monastic seclusion, were here combined into a most effective machine. The origin of the Knights of St. John or of the Hospital was found in the necessity of providing effective hospital service for the great numbers of wounded soldiers and sick pilgrims whom the peculiar conditions of the country were always bringing down along the routes of travel. Such care included the idea of defense, and thus out of a body of nurses grew a society of armed men. Vows followed as a matter of course. Property was acquired as a means of supplying the pressing necessities of their work. Before very long lands and houses of the Hospital were to be found scattered about in all the western countries, and the organization had grown to rival the existing monastic orders and came even to equal the popularity of the mendicants of the thirteenth century. More secular in its origin was the Order of the Temple, so called from the quarters in the enclosure of the old temple at Jerusalem granted them by the king as their first abiding-place. Their mission was strictly one of defense, to provide for the safe passage of the pilgrims coming southward and eastward and then to give their services in the border warfare continually going on. The Teutonic Order began with the hospitality of a German merchant in Jerusalem towards those of his own countrymen who might need help while in the East.

It was thus in its beginnings a national affair, but soon outgrew those limits and came to be, like the Order of the Temple, a purely military body with the primary duty of defending the sacred soil. During the heroic period of the Crusades these military orders were the chief reliance of the new states. Their continuous residence in the country made them familiar with the methods of warfare needed under the given conditions, but it familiarized them also more than any other persons with the qualities, good as well as bad, of the enemies they were sworn to fight. It gave them a kind of charity for the infidel, far from consistent with the original crusading hatred, and it is along this line that the later degeneracy, especially of the Order of the Temple, is to be traced.

Decline and Fall of the Military Orders.

Their history is in many ways the counterpart of that of the monastic bodies. Their exile in Syria corresponded to the seclusion of the monk in his cloister; their acquirement of lands in the European countries was parallel to the growth in landed property of the monastic houses and their gradual neglect of the function for which they were called into being is precisely typified by the growing worldliness of one after another of the revived ascetic bodies. At the close of the crusading period the Teutonic Order concentrated itself in the country lying just eastward from the lower course of the Vistula, where the flourishing cities of Elbing, Thorn and Königsberg testified to its excellent quality as a landed proprietor. The Order of the Temple, living in its rich houses all over the western world, became the object of a more or less just suspicion of moral and religious corruption and offered a tempting prey to ambitious monarchs to confiscate its wealth while prosecuting its sins. The example was set by king Philip IV of France, supported by a papacy which he had created, and the end was the total extinction of the Temple in France and so serious a blow to its reputation elsewhere that it allowed itself gradually to become incorporated with other similar organizations in the different countries. Its property, so much as escaped the confiscation of kings, was awarded by papal decree to the Order of St. John. This latter, the earliest of the military orders, was also the last to disappear. It had taken the same course as the rest, and had even gone to the point of setting up a regular state of its own in vassalage to the principality of Antioch. After the evacuation of Syria in the early years of the fourteenth century, it was transferred to the island of Rhodes, and after the capture of that place by the Turks in the sixteenth century, again to Malta. It still lingers without property as an honorary title in many European countries.

The Second Crusade. St. Bernard.

All these phases of the war in Syria developed themselves during the fifty years' interval between the first and second crusades. The situation seemed to have become permanent, when Europe was suddenly startled out of its comparative indifference by the news that Edessa, the outpost of Christianity towards the north-east, had fallen into the hands of the Turks (December, 1144). The Europe which received this shock was a very different one from that which had answered the call of Urban II. In the interval, if the papacy had lost something of the vigor of its earlier administration, it was because the same ends were being more effectively reached by other agencies. It was the time of St. Bernard, the time when the revived ascetic spirit was winning its greatest triumphs. It was absolutely controlling the papacy; it was fighting, in the persons of Abelard and Arnold of Brescia, the dangerous growth of heretical and popular tendencies; it was moulding the scientific thought of the day into a system which was to justify its actions, and it was holding up to the leaders of the European states the theory of sacrifice to religious ends as the highest ideal of the public service. All these tendencies of twelfth century society responded with great swiftness to the appeal of the Holy Land. Bernard himself was the Peter of this crusade. He directed his impassioned eloquence to the kings of the earth, and with such success that the chief among them declared themselves ready to take the cross in person.

Movement of the Armies.

Louis VII of France made himself from the first the central point in the gathering of his countrymen; Conrad II of Germany, less enthusiastic, let himself be persuaded, and with this mighty impulse the lesser barons of both countries needed no persuasion. Two great armies of well-equipped soldiers, burdened unhappily with a mass of useless followers, were ready for the march in the summer of 1147. The Germans moved first down the Danube to Constantinople and made their own arrangements with the emperor Manuel, whose interest was to get them on and out of the way as fast as possible without regard to the best means of accomplishing their object. The French followed, and reached Constantinople just as the Germans were being almost entirely wiped out by Turkish troops in Asia Minor. The emperor played the same game with them, — got them over into Asia and left them to their fate. By far the larger part of both armies was sacrificed before they reached Syria. A more headless undertaking can hardly be imagined. The two nations had no understanding with each other or with the Christians of Asia. They had no comprehension of the real condition of affairs, but were simply carried along by a wild desire to fight the infidel. Two great undertakings against Damascus and Ascalon were rendered of no account by the luke-warmness of the Jerusalem people, who showed little gratitude to their preservers and even, — if we may believe the ugly stories afloat at the time, — did what they could to get them out of the way in the shortest possible time. The result of all this vast expenditure of life and treasure was absolutely nothing. The kings returned home with the glory of the cross about them, but the Holy Land was none the better off. The only possible advantage was the deposit in the country of a residuum of fighting material, which under the comparatively intelligent guidance of the local rulers might be made good use of.

Rise in Power of Saladdin.

Again occurs an interval of a generation without any great general military undertaking from Europe. The chief incidents of this interval are the transfer of the weight of the conflict from the north to the south, the rise of the power of Saladdin and the fall of Jerusalem. In this interval appeared all the evils inevitable from the feudal conditions of the conquest. While the Christian occupants were giving themselves up more and more to the softening influences of the climate and the loosened responsibilities of life far away from their proper homes, the Mohammedan power in the south had been gaining a new impulse from the career of the most remarkable leader of the whole crusading period. Saladdin was the subordinate governor of Egypt under the rule of the Turks in Asia, but through personal talent and ambition rose to the practically independent control of the whole of Syria as well. His personal uprightness of character, his devotion to his cause and his cultivation of learning and the arts of life stand out in favorable contrast to the barbarism of most of the leading princes of the crusading army. His policy seems to have been at first to get on with the Christian occupants, if possible, by treating with them on equal terms and allowing them liberty to maintain their settlements, if they would in turn let him alone. This reasonable policy was, however, in direct contrast to the intolerant spirit of the crusaders. Repeated treaties were violated with impunity by individual Christians, and at last, in despair of keeping the peace on these terms, Saladdin on his side sounded the crusading note among the excited Mohammedan populations of Syria and Egypt. The result was a fair open fight near Tiberias, in which the Christian army was totally defeated, and the king and the chief leaders captured. The power of life and death was in Saladdin's hands, but he used it only against those who had openly violated their faith with him. Jerusalem and practically the whole of Syria fell easily into his hands. A narrow strip along the coast alone remained as a starting-point for new operations in the future.

Loss of Jerusalem. 1187.

The fall of Jerusalem was the most severe blow that had as yet fallen upon the Christians in the East. The news, reaching Europe at a moment when each nation happened to be under the lead of a really vigorous monarch, served once more to revive the crusading enthusiasm in almost its early glow. It needed neither a Peter nor a Bernard to convince Frederic Barbarossa, Philip II and Richard of England that the highest duty of the Christian king was to lead his vassals to the holy war. It would be idle to repeat here the story of the march to Asia and the series of negotiations with the emperor of the East — the lamentable tale of divided counsels, of incredible ignorance, of heroic bravery and frightful sacrifice, which make up the history of this as of the previous expeditions. The romance of the crusades gathers largely about this episode, because of the distinction attaching to the leaders. But here again was the very secret of failure. Less distinguished captains might have found it possible, as did, in great measure, those of the first crusade, to sink personal differences, but these kings of the earth could never forget that they were kings, and that they stood for other things than mere devotion to the holy places of Jerusalem.

The Third Crusade. 1189.

The death of Frederic Barbarossa before he had even reached the soil of Syria showed how feeble were the bonds which held together the most sincere and devoted army of this whole mad enterprise. A few straggling remnants of the great German host were all that succeeded in making their way far enough to be of service. The French-English alliance, brought about with all the show of embraces and swearing of oaths which marks a modern European encounter of sovereigns, was from the beginning the merest sham. Richard of England, the Christian hero of this crusade, was a hero only in the strict mediaeval sense, a barbarian in his violent impulses of generosity or of passion, fit rather to be the captain of a cavalry company than the head of a nation or the leader of a prolonged and difficult campaign. On the other hand was Saladdin, now getting on in years, but still able to command the allegiance of the whole southern Mohammedan world. The successes of the Christians in spite of the worst possible generalship, are the best proof that a firmly united force, guided by a far-seeing and intelligent policy might yet have done wonders. These successes were strictly mediaeval feats of arms, the capture of Akkon and the forcing of Saladdin to destroy the fortifications of Ascalon, meagre results purchased at immense cost and rendered of no use by the terms of a shabby truce patched up between Richard and Saladdin, when both had grown tired of this hopeless waste of resources. By the terms of this peace Jerusalem was to remain in the hands of Saladdin, with free passage for pilgrims to and from their holy places. The Christians were to hold a strip along the coast from Akkon to Tyre. The romantic adventures of the English king in trying to make his way home through a country in which he had none but enemies, formed the fitting climax to this

Weakness of the Christian Army.

Truce between Richard and Saladdin. 1192.

headless enterprise. If it were our purpose to deal with the romance of the crusades, we should have to dwell longer upon this, perhaps the most celebrated of them all; but in coming at once to the history of the fourth we enter upon a new phase of far more real importance.

The Motives of the Fourth Crusade. 1203-1204.

The fourth crusade is the complete illustration of how thoroughly the original spirit of the great movement had become obscured by other, purely practical considerations. It interests us hardly at all from the point of view of the Holy Land, but very greatly as showing the vast development of commercial and political relations between the powers of the East and the West. Our repeated references to the conduct of the Byzantine emperors towards the crusading armies will have made it clear that there could be no real basis of good feeling for any further dealings at Constantinople. It was well recognized that, since the beginnings of Saladdin's career, any effectual blow at the Mohammedan power must be struck in Egypt. More and more it had been seen that the aid of the maritime cities of Italy, especially of Venice, was indispensable to any success. Venice, grown fat upon the commerce of the East, was far from being inclined to kill the goose that had given her such a golden product, while, on the other hand, her relations with the Christian empire of Constantinople had long been getting more and more uncomfortable. If she could turn a part of the force of the crusading activity against Constantinople instead of against Alexandria or southern Palestine, it seemed likely that her own advantage would be great, and the establishment of a Latin control on the Bosphorus promised to relieve many of the most difficult problems of the defense of Syria. Add to all this the brilliant prospect that the great schism between the church of the West and that of the East might thus be bridged over and all Christendom be brought under the headship of Rome, and we have a combination of motives out of which something great might well be expected.

The Venetian-Frankish Alliance.

It has been the fashion to decry the leaders of the fourth estate as recreants to a great trust and as false friends to a cause which they were bound to uphold above all others. At all events it is refreshing, after the mad folly of the previous expeditions, to find men who knew what they wanted and who took advantage humanly of the human means placed in their hands. It is easy to cry out upon the Venetians as a townful of greedy traders, with no thought but to get all they could and keep all they got; but the fact is that they saw all the conditions of their undertaking clearly before they went into it and knew also the kind of stuff they had to deal with. When a vast army of French crusaders, got together by the usual recruiting process, called upon the town of Venice to carry them over to the Holy Land, Venice asked to be paid for its work. It demanded a large money price, but, as strong right arms and good swords were the handiest coin among the crusaders, it was willing to be paid largely in this kind and so called upon the army to help the republic against its enemies. Of these the first were the pirates of Zama on the Grecian coast of the Adriatic. The crusaders agreed, and, in spite of the protests of the pope that no crusader could properly bear arms against a Christian city, shared the labors and the spoils of a successful siege.

The Crusade turned against Constantinople.

During a comfortable winter at Zama the clever agents of the republic, the ancient doge, Henry Dandolo, at their head, were steadily working upon the leaders of the army to persuade them that they would best serve the cross and themselves as well, by turning their arms, not against the Mohammedans of the South, but against the Christians of Constantinople. An additional pressure was brought to bear by the liberal promises of the young exiled emperor, Alexius III, who had been driven from his throne and had spent a long time in the West trying to find allies for his cause. He had been especially encouraged by the Swabian party in Germany and was ready to mortgage his hopes of sovereignty to any extent. A considerable party among the crusaders refused to listen to his tempting promises, stoutly maintaining that they had enlisted for the war against the infidel and would go into no other. By far the larger part, however, persuaded themselves that this too was a service to the cross and the great armament set sail for Constantinople.

Capture of Constantinople. 1204.

The affairs of the eastern empire were in as bad a state as possible. The crown was being tossed about from one claimant to another, each worse than the rest in all those qualities which had proved the ruin of the state. Excessive taxation, immoderate luxury, incompetent administration of the army and the fleet had already brought the empire to the verge of destruction and deprived it of the vigor needed to repel so vigorous an assault. Constantinople fell with very little resistance. The division of the spoil had been arranged beforehand with due regard to the rights of the several parties to the undertaking. Venice received the claim to three-eighths of the conquered territory and the right to name the new patriarch of Constantinople, while the "Franks" took the imperial crown with its responsibilities of administration. It will be observed that no nation of Europe took part as such in this great western achievement. The end towards which the dreams and half-formed ambitions of such men as Charlemagne, Otto III, Gregory VII, Nicholas I, Robert Guiscard and Henry VI had vaguely pointed was accomplished. The Greek empire had been overcome by the power of the Romanic west, not for the purpose of national aggrandizement but incidentally, as it were, in the course of a prolonged religious war and through the energy and capacity of a little commercial city at the head of the Adriatic.

The Latin Empire of Constantinople. 1204-1261.

The cleverness of Venice was shown especially in its readiness to surrender all political connection with the new Latin empire. It was quite willing that others should undertake the hopeless task of straightening out the tangled thread of the Byzantine politics. Whatever hope the Syrian Christians may have had of substantial advantages to follow the capture of Constantinople was doomed to disappointment. The new emperors, — Frenchmen or Flemings, — unfamiliar with the situation, found themselves from the first involved in the most desperate straits for money and men to maintain their position. They gave up from the start any idea of doing great things in Asia and turned their attention almost wholly to strengthening themselves in Thrace and the adjacent lands of the West. Across the Propontis, at Nicea, there still remained a protesting remnant of Grecian power, carrying on the name of the empire and biding its time until the inevitable demoralization of the Frankish intruders should do the work of re-conquest more effectually than any arms. The real gainer was Venice, which, seizing upon one and another attractive bit of land in Greece or an island in the Aegean, maintained it as a feudatory power and thus increased its own influence as a centre of actual civilization. The Roman papacy, at first opposed to the whole expedition as a violation of the crusading spirit, conformed, as ever, to the accomplished fact and lent its aid to the defenders of Constantinople as freely as it had formerly used it against them. It is interesting to note that at the moment when the papacy of Innocent III was coming out first best in its conflicts with the most powerful kings of Europe, the republic of Venice had snapped its fingers at the papal excommunication and gone quietly on its way doing as it pleased. All hopes of a church union under the papal lead were totally disappointed. It made little difference what the alien rulers of Constantinople might desire; the body of the people were too deeply attached to their own religious traditions to give the slightest support to any such approaches. The real result of the fourth crusade was a great intermingling of populations in the whole country around the eastern end of the Mediterranean, and out of this came a vast impulse to all the activities of European life.

The Fifth Crusade. 1217-1230.

The phrase "fifth crusade" includes the long series of expeditions and negotiations that went on between the years 1217 and 1230. The central figure of them is the emperor Frederic II, but the actors were representatives of all the European states and especially of the papal power. The reign of Frederic is coincident with those of three of the most vigorous among the successors of Peter. Innocent III, his guardian and friend, died in 1216, when Frederic was too young and too unsteady on the imperial throne to make him either a desirable ally or a dangerous enemy. Honorius III and his successor, Gregory IX, men otherwise of very different character, were alike in fiery enthusiasm for the recovery of the Holy Land. The response to the summons to the cross was never more enthusiastic. Another vast army was got under way, and this time, without hesitation, the aim was directed against Egypt. The key to the Nile valley was the very strong city and fortress of Damietta, and against this the whole force of the army was directed. The resistance was most obstinate, but the city fell into the hands of the Christians, purchased by tremendous sacrifices. The effect was the same as that of all previous successes. The army could win a victory, but the leaders were totally without the intelligence to make use of it. Either the rest of Egypt ought to have been conquered or Damietta ought to have been used as a ransom for the holy places in Syria, which, men seemed in danger of forgetting, were after all the real object of all this vast expenditure of energy. The sultan of Egypt saw this situation far more clearly than the crusaders, and offered to restore Jerusalem to them on the most favorable conditions if they would evacuate Egypt. The few clear heads in the army were willing to accept, but the extreme clerical party, led by a papal legate, and the Venetians, eager not to lose the great advantage of a strong commercial position in Egypt, determined on continuing the war there. The result was that all was lost. A desperate rally of the Mohammedan forces and skillful use of the canals, by which the whole country was laid under water, forced the Christian army to conclude an empty truce, and, with no compensation for their loss, to evacuate Egypt entirely.

1221.

Frederic II and the Roman Curia.

All this happened before the young emperor, who had assumed the cross seven years before, had taken any serious steps looking toward personal participation in the war. His hands had been more than full with the establishment of his power in Germany and Italy and in fighting the infidel on his own territory in Sicily. Now, however, a new motive led him to turn his attention to the East. He betrothed himself with the daughter of the king of Jerusalem, and promised to set out for the Holy Land in the year 1225. The marriage, indeed, took place in that year, and with it Frederic assumed at once the title of king of Jerusalem; but the crusade was still postponed. Not until two years later did Frederic finally come to the point of setting sail, and then, suddenly taken seriously ill, he put about and landed at Otranto.

The excuse of illness was not accepted by the pope, Gregory IX, and Frederic was at once put under the ban. Precisely how much of the blame of this unhappy quarrel rests upon the one and the other party is not clear. Certain it is, however, that the heir of the Hohenstaufen policy in Italy needed no very specific cause to bring him at any moment into conflict with a pope in whom the spirit of Alexander III seemed again embodied. At all events, Frederic demonstrated his sincerity by continuing his armament, and, a few months later, actually setting out once more for Syria. Excommunicated before for not going, he was now again excommunicated for going without first removing the ban of the church.

Frederic's Crusading Policy.

In considering the actions of Frederic in the East we have always to remember that we are dealing with a man who was in many ways out of tune with the age in which he lived. He was a modern man condemned to get on with circumstances that were still almost wholly mediaeval. His mind was eminently a practical one, going at his ends by the straightest lines, and not sensitive to the kind of ideals that governed the actions of his contemporaries. The crusading theory was that, of all things in the world, the finest was to fight the infidel, no matter at what odds, and no matter how wasteful the expenditure of life and treasure might be. Frederic took the view that the prime object of the crusades was not the fighting, but the recovery of Jerusalem, and that if this could be done without needless expenditure of blood, so much the better. It seemed to him, therefore, good crusading to take advantage of a split in the Mohammedan camp and to enter into negotiations, looking towards the surrender of Jerusalem, with the head of one of the parties. He was man enough to believe that a Mohammedan was at least worth treating with, and treating fairly. The result was altogether the most sensible stroke that had been dealt in Syria for more than a century.

Treaty of 1229.

By the terms of this noteworthy treaty of 1229 the Sultan, Alkamil, surrendered to Frederic the city of Jerusalem in full possession, with no restriction except that the great Mosque of Omar should be reserved to the Mohammedans, and that Mohammedan pilgrims might freely come and go unarmed to perform their worship at this shrine. Frederic received also a broad strip of country connecting Jerusalem with Joppa, and so along the coast as far as Beyrout, thus securing the ancient highway of the Christian pilgrimages. The treaty further prescribed that Frederic should assist his ally against all enemies, Christians though these might be. It is clear that this was a blow at the North-Syrian states of Tripolis and Antioch, especially at the possessions of the military orders in that region ; but from the point of view of plain common sense there was no obligation whatever upon Frederic to support these feeble Christian states at the expense of any advantage to the kingdom of Jerusalem. They had seldom been anything but an injury to the real well-being of that land, which was the only plausible pretext for any Christian occupation of Syria. This treaty was to hold for ten years. As soon as it was concluded Frederic set out with all haste for home, where during his absence the pope had overrun a great part of his kingdom with troops and incited rebellion in every quarter. Frederic's energy and popularity rapidly overcame this danger, and in the Peace of San Germano, 1230, he compelled the pope to release him from the ban and to make important concessions. From this time on the relations with the Mohammedan powers begin to take on the character of international dealings, which the fury of the crusading zeal had heretofore rendered impossible. The practical considerations of commercial and industrial advantage were making themselves superior to those of religious fanaticism, and with this we approach the threshold of a new period for Europe.

The Crusades of St. Louis. 1248-1270.

The last set of expeditions with which we are to deal, the so-called sixth crusade, represent once more a revival of the early spirit of the crusading times with all its religious enthusiasm and all its incapacities for practical conquest. Louis IX of France, while in many ways a modern king, in so far as resistance to the claims of rival sovereignties in his own land went, was a thoroughly mediaeval man in his religious instincts and in his devotion to the ideals of that time. His two crusades, the first against Egypt lasting from 1248 to 1254, and the second against Tunis in the years from 1267 to 1270, were repetitions of the same heroic courage and the same reckless waste of energy that had marked the earlier efforts of Richard and of Barbarossa. The Mohammedan powers were everywhere in the ascendant. One after another capable leaders offered themselves and found devoted followers. Jerusalem had fallen in 1244, and this time permanently, into the hands of the Egyptian sultans. The lands of the kingdom, defended chiefly by the knights of the military orders, were rapidly crumbling to pieces. The Latin empire of Constantinople, in no way an improvement upon its predecessor, gave way before the continued assaults of the Greeks in 1261, and from that time on the recovery of the European territories of the eastern emperors was only a question of time.

Final Loss of Jerusalem. 1244.

Outcome of the Sixth Crusade.

The efforts of Louis in the south were thus completely thrown away, isolated from all connection with the true centre of the Christian interests in the East, and maintained only by incredible sacrifices. The death of the king in the midst of his oriental adventures has thrown a halo about his exploits and helped to win for him later the patent of conventional sainthood. The real value of his hopeless struggle was in revealing to the world of Europe once for all that the time for this kind of thing had passed forever. Henceforth there was to be more profitable work for the sovereigns of rapidly developing national states than squandering their resources in distant expeditions for a heavenly reward.

Effects of the Crusades upon Europe.

It remains for us to give a hurried glance at the effects of the crusade upon many interests of European life, which were least of all in the thoughts of those who preached and fought in the struggles of the East. The crusading idea represents above all else that capacity of the Middle Ages for pursuing an ideal without regard to its practical aspects which we have elsewhere emphasized. It appears in philosophy in the predominance of idealistic "Realism" over the practical "Nominalism"; it is seen in politics in the curious effort to maintain the ideal "empire" in the face of such great practical forces as the development of the Italian communes and the territorial lordships of Germany. It is seen in religious organization in the growth of that great ideal, the papacy, in defiance of all the natural associations of the national churches or of the episcopate as a whole. Several specific manifestations of the crusades emphasize this idealism to the utmost.

Persecution of Jews and Heretics.

One is the constant recurrence of violent outbreaks of popular fury against Jews, for no earthly reason whatever, except that they were not Christians and that their ancestors a thousand years before had crucified the Christian Saviour. The attacks upon heretics, notably the Albigensian wars, showed a growing sensitiveness to the need of uniformity and of conformity to the orthodox ideal. Even such a man as Frederic II, who had a clear enough head when it came to treating with infidels, or even to tolerating and employing them in his own lands, has left us in his decrees against heretics the most bloody witness to his compliance in this respect with the temper of his age.

The Children's Crusades. 1212.

In the midst of the excitement caused by this persecution, there appeared in France in the year 1212 a shepherd-lad who, with all the apparatus of more mature prophets, declared himself called upon by God to lead an army into the Holy Land and recover the sacred soil. The attempts of the saner authorities — half-hearted attempts, lest this might, after all, be the will of God — availed nothing to stem the tide of infant enthusiasm. Thousands of children, we are credibly informed, let themselves be carried away; swarms of elder innocents joined them and a regular army found its way to Marseilles, only to fall a prey to land-sharks and water-sharks, some of its members reaching the East in misery and others, more fortunate, lost by the road. A similar story, local in Germany, carries an army of children first to Genoa and then to Brindisi, where they were prevented from embarking and sent back, as many as could get there, to their homes. Adorned, as these stories undoubtedly are, by the additions of a pious legend, there is no ground for rejecting them entirely, and they are wholly in harmony with the instinct of idealism we are illustrating.

The Crusades and the Spirit of Conquest.

How far the spirit of conquest was a cause, and how far a result of the crusades, it would hardly be safe to say. At all events it is developed in many directions during just this time. It is a striking fact that from the conquest of Saxony by Charlemagne to that of England by William of Normandy, there is no noteworthy extension of any European Christian power. The persistent warfare along the eastern frontier of Germany had not resulted in any considerable advance of that frontier line. The gain over the Arabs in Spain was very slight and cannot be thought of in any true sense as a conquest. The movement of the crusades provided at once a purpose and a direction for the conquering spirit. For the moment all thoughts were fixed upon Syria as the promised land, with what bitter disappointments to follow we have just been learning. Soon, however, the notion of conquest took wider scope. Before the death of Robert Guiscard in 1085, the Normans of Apulia had already begun to cast longing eyes across the Adriatic, and from the first movement of the crusades we can see that interest cropping out at every turn, until with the fall of Constantinople in 1204 the way seemed opened for an indefinite expansion of the European powers upon the lands of ancient Greece. If that conquest had been made by any one strong hand, with permanent resources to fall back upon, there seems good reason to think that Greece might have become a Latinized and Romanized country. That result was prevented by divided interests and by the revival of the Eastern empire with unexpected energy. The reaction of the crusades was also felt along the German frontier. During the twelfth and thirteenth centuries there is a steady advance all along the line of the Elbe; new lands are conquered and regularly occupied by colonists from the west, and finally the settlement of the Teutonic order on the Vistula gives to Germany an advanced post of civilization, which was to serve as a bulwark in the development of the land lying immediately to the west of it. In Spain there is a new spirit of energy in the war against the infidel; bit by bit the land is wrested from his grasp and incorporated with one or another of the states then forming and destined to make together the great Spanish kingdom.

Much has been written about the effect of the crusades in giving to Europe a sense of its unity as against the whole non-Christian world outside. One would say that such ought to have been the case, but in fact precisely the opposite result is the permanent one. The whole history of the crusading armies, especially those led by the European sovereigns, goes to show that, far from being guided by a sense of unity, their consciousness of national differences was very much sharpened by contact. They thought of themselves, as the fractions of a mediaeval army always did, as allies for a deed of arms, not as bound together by any permanent or natural tie. So far as the Syrian colonists themselves were concerned, it is very curious to notice how, from the very first, the French nationality dominated over and to a great extent excluded all the rest. The common name of all crusaders in the mouths of their enemies was "Frank." The French language, and by this is meant the tongue of northern France, the true French, became the ordinary medium of intercourse throughout the Christian East. Other nationalities, the Norman-Italian and the Provençal especially, made, from time to time, vigorous efforts to impress themselves upon the land, but without success. Whatever apparent unity among the Syrian Christians we may seem to discover was therefore due, not to any sense of common interest, but rather to the presence of one strongly marked race, capable of bringing the rest into an outward unity with itself.

Development of a National Sentiment.

In Europe itself there is no analogous development. The period of the crusades is precisely that of dawning national consciousness. The greatest leaders of the Crusades, Richard of England, Frederic Barbarossa, Philip Augustus, Louis IX and Frederic II were just the men who have stamped themselves most clearly on the history of their respective countries as the most eager champions of the national idea as against feudal indifference. Furthermore it is in just

The Several Nationalities under Crusading Leaders.

this period that the one greatest unifying force in European life, the Roman papacy, doubtless the chief moving power in the early stages of the crusading movement, overreaches itself and begins to lose its prestige. From 1200 on it is clear that the papacy can no longer control the spirit it has summoned; the Venetian tradesmen and the "enlightened" Frederic II alike act in outspoken indifference to its opinion, and the disastrous results of those final expeditions in which its counsels did largely prevail, proved conclusively that it was not a competent leader of European affairs. If the crusades affected the question of a national feeling at all, it was rather by stimulating than by repressing it.

International Relations stimulated.

On the other hand it may be noticed that a strong national consciousness is not inconsistent with a growth in the spirit of international fairness and decency, and that kind of growth may be distinctly seen in our period. It takes its rise with the commercial cities of Italy, whose industries were unquestionably immensely stimulated by the whole movement of the crusading times. Their keen rivalry in trade led them ultimately into dealings with each other, in which we see plainly the beginnings of a spirit of international comity. The same temper is visible in the relations of Frederic II with these cities and with his neighbors on the Saracen side. It would be going too far to discover in this period a tender consideration for the foreigner, which has not even yet become clearly defined in our race. The idea that other nations have as good a right to prosperity as ourselves is one that has not even yet taken full possession of political philosophy. The most we dare say is that here was a fruitful germ and that it was being prepared for later ripening.

In the world of thought we come also to an inquiry which is far from simple. How did the crusades affect European thought? It is easy to say that the Mohammedans were in many ways superior in culture to the Christians, and that precisely in these ways we find the Europeans gaining during the period we are studying; it is quite another matter, however, to say that this gain is owing directly to the contact between the two civilizations produced by the crusades. One is always tempted to find causes in sudden and violent phenomena and to overlook those more silent, but also more powerful forces which are working slowly and gradually, from age to age, bringing a race upward from barbarism to civilization. Such forces as these we have seen steadily acting from the time of Charlemagne onward, and perhaps it will not be going too far if we say that they continued to work on in their own way and would ultimately have produced their natural results, but that they were stimulated by contact with impulses from Arabic sources. It is well known that many of the best things of ancient Greek life were taken up by Arab scholars and passed over through their mediation into European hands. Allowing what value we may to this service, it still remains true that the thing which really stirred men's minds and brought about a new period for Europe was the study of ancient Greek and Roman life for its own sake and that this study did not depend, in any essential way, upon the influences of the crusades.

Influence upon European Thought.

If we come now to literature proper, the effect is more marked. For one thing the crusades furnished a vast new material to the poetic imagination. The crusader is, beyond all rivalry, the heroic figure of the European Middle Ages. His adventures, magnified and distorted out of all historical shape by the fancy of the poet, became the prevailing stuff on which the struggling modern languages tried their strength. The journey to the Holy Land was the great opportunity for the European youth to see the world, and he improved it as youth have ever

Effects upon Literature.

been eager to do. He felt here that joyous sense of freedom from the irksome bonds of home and conventional society which has been the making and the marring of youth in all times. Our accounts of the *passagia* show conclusively that, however innocent they may have been at home, the pilgrims of the cross were now cutting their eye-teeth with a vengeance. They were learning the great lesson of seeing life as it was, not as it was pictured to them by the pious teachings of a religious tradition. They took in all too eagerly the notion that Europe and Christianity even, were not all there was in the world. They found men as clever, as devoted to religion, as honest, as temperate, as brave, in short as human, as they themselves. It is impossible that lessons of this sort could have gone for nothing. They must have roused in the mind of many an eager youth the question whether, after all, there were not something worth having in this vast, struggling and striving human existence ; whether the ideal of the cloister were, after all, the highest. There is little doubt that all this was helping on towards that great uprising of the human mind in the next century, of which the best definition is that it turned men's thoughts to their common humanity and led them by the leading-strings of the classic authors, those great permanent sources of interest in the humane side of life, to a new conception of beauty and truth. The thing we have to guard ourselves against is ascribing to the crusades a sole or decisive influence in matters where the impulse had already been given in other ways. The crusader is, in this aspect, the companion figure to that wandering scholar to whom we have elsewhere alluded as heralding also, in his way, the coming of a new time.

Influence towards "Humanism."

If we turn to the commercial and economic results of the crusades, we find ourselves upon fairly solid ground. So long as the whole coast of Syria was in Christian hands its harbors offered so many points of connection between the great resources of the East and the rapidly developing wants of the West. As industrial centres, the Christian states of Syria were never successful. Their holders had no such conception of their functions as would have made them good landlords. Like most feudal barons, they thought only of getting all they could out of their territories without much regard to developing them in the best way for their ultimate advantage. An intelligent colonial policy, which should have regarded the eastern states as essential parts of one or of several European governments, might have made out of these half-barren wastes a veritable garden of the Lord. In the absence of any such intelligent policy it was left for the commercial instinct and experience of the Italian communes to make what they could out of the contact thus brought about between the West and the native populations of the East, using the Christian cities only as markets for the exchange of wares. The rather scanty records of this exchange go to show that Europe was enriched by the importation of articles of luxury, spices, fruits, textile fabrics in silk and cotton, wine, dye-stuffs and glass-ware. The imports were chiefly such articles as the Franks needed for their support, weapons, horses, clothes and, above all, grain. This last item shows plainly how little was done in the way of a developed agriculture. Time and again the fortunes of a besieged city were saved by the arrival of grain supplies from the West.

Commercial Effects of the Crusades.

Commercial intercourse on this scale could not be maintained without the use of money, and money had, up to the time of the crusades, been a very scarce article in Europe. The very nature of the feudal arrangements had made the use of money in all

Financial Effects.

forms of public life almost entirely unnecessary. The soldier, the judge, or the public official of whatever grade, was paid, not by a regular wage, as in modern times, but by the assignment of a revenue from some valuable piece of property, which he worked for what it was worth. The sudden demands of the crusading princes, knights and pilgrims made necessary an immediate supply of ready money. The baron must provide for his own equipment and that of a certain number of followers, and unless they were to live by the road, they must carry with them enough ready cash to pay for their daily needs on the way. The beginning of the crusades coincides with the rise of a new trade in Europe, the business of money-lending, and the exchanging of values on a money basis. Until then, and, indeed, in theory for long afterward, the lending of money at interest was regarded as an immoral act. Money was not thought of as a commodity like others, having a definite value, and therefore properly to be hired at a reasonable compensation to the lender; somehow there was an idea of evil connected with it, and a man who traded in it was despised as a "dog of a Jew" or a recreant Christian. The impulse to a more practical view of commercial life began before the crusades, but it doubtless received from them an enormous impetus. It was, at least, right to borrow money to serve the cause of religion, and though we have abundant evidence that the conscience of the day was not specially acute in the matter of payment, we know, also, that the business went on steadily increasing, and that is the best proof that, in the main, debts of this sort were held to be binding. The high rate of interest will not surprise us when we consider the chances of loss by the multitudinous dangers of the journey, or by the reaction of the conscience when the immediate pressure was past. As the crusades went on we find the cities

Beginnings of Modern Banking.

of Italy developing a class of bankers who supplied the leading princes of the north with letters of credit, or with notes of exchange, on their correspondents in the cities of the Frankish East. Multitudes of coins found in the soil of the Holy Land bear witness to the immense variety of the moneys used there, but show, also, that the traders of the time knew how to protect themselves against the evils of a varied coinage. They devised a new coin which would be acceptable to Christians and Mohammedans alike, and did not hesitate to impress upon it the name of Allah and the date of the Hegira. This is the famous "saracen byzant," long the chief unit of commerce in the East. It is the living witness to the triumph of practical human interests over the exalted, and often foolishly idealistic, motives of the early crusades.

The Final Result.

If now we sum up all these results, we see that European life was enriched through the crusades by receiving a new impetus to forces which had, in most cases, already begun to work. It will not be fanciful to say that the horizon of Europe was immensely widened by this continual movement of her most active spirits to and from the mysterious and inspiring Orient. The main purpose of the crusades is completely lost sight of in this vast process of education. It mattered absolutely nothing whether the Holy Sepulchre were in the hands of Christians or Mohammedans. It mattered very much whether the mind of Europe was to consume itself in the endless circle of the scholastic logic, and whether its fresh and vigorous political development was to be stifled under the overgrown Roman theocracy. That neither of these became permanent dangers is in no small measure owing to the opening of men's eyes to their immediate and practical interests, which the wonderful experience of the crusades forced upon them.

CHAPTER XII.

THE GROWTH OF THE FRENCH MONARCHY.

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Parallel Development in Germany and Italy.

We have traced the development of the new political powers in Germany and in Italy from the close of the legitimate Carolingians in 888 to the revival of the Empire under Otto I and its steady progress under his Saxon, Franconian and Swabian successors. In the history of those countries it has become clear that the chief political interest of the people lay in the establishment and maintenance of vigorous local centres, which were then brought into a kind of dependence upon larger political units called kingdoms. In Italy this kingdom was in theory the descendant of the ancient Lombard power, with its seat at Pavia and with a very slight hold upon its branches reaching out over the rest of the peninsula. In Germany the monarchy was a purely new creation, arising out of the necessity for defense against foreign enemies and founded solely upon the agreement of the local powers. These local political associations were in Germany actual race units, marked off, one from the other, by family traditions of long standing and of great influence. The authority of the leaders within them rested upon a patriotic instinct of loyalty to chieftains who had for generations represented the warlike spirit of the stem. In Italy there was no such clearly marked distinction of race, but the local powers rested mainly upon privileges received from one and another ruler, from Charlemagne down.

Similar Conditions in France.

In neither of these countries was the monarchical spirit strongly marked. The monarchy was elective, in the strictest sense of that word. We have seen how in Germany it was handed over from one stem-leader to another, only beginning to take on something of an hereditary form when king Henry I gained the consent of the *principes* to the coronation of his son Otto during his own lifetime. So in Italy we traced the efforts of leading families in the centre and the north to gain and hold a royal power for themselves, until finally it appeared that the only way out of it was to accept the German king as king also of Italy and to take what comfort could be found in the reflection that he was also emperor. Now at the close of the Carolingian period in France the political conditions were almost precisely similar to those in Germany and Italy. Slight differences there were, and it has been the fashion of historians, especially of French historians, to emphasize these differences, rather than the still more striking similarities.

The French Territories.

The territory which was already beginning to be known as "France," was divided at the close of the ninth century into several pretty clearly marked divisions. There was, first, the great distinction of France north of the Loire and France south of the Loire. This distinction was a deep-seated one, resting upon a difference of race which goes back into the time of the first settlements of Germanic peoples upon Gallic soil. South of the Loire the population was mainly of Gallo-Roman stock, not materially changed by the storms of Germanic invasion which had passed over it. Politically it had been subdued by Visigoths and then by Franks, but its actual life had not been seriously affected by this political subjection. The kings of the Franks from Clovis down had never found it an easy country to control. The spirit of local independence was always ready to rally around some local leader to resist or to make terms with the royal power. Indeed, Charlemagne and his successors down to Charles the Bald had treated Aquitaine as a separate kingdom, only to be governed in dependence upon the king of the Franks. Charlemagne had divided the country into counties, of which the chief were those of Toulouse and Poitou. The counts of both these districts appear also at different times as dukes of Aquitaine, and

Aquitaine.

as feudal lords over the numerous smaller divisions of southern France.

Septimania.

Southeast of Aquitaine, along the Mediterranean coast, lay a strip of land, in which the Visigoths, after their conquest by the Franks, had maintained themselves long enough to fix upon the country the name "Gothia," changed, however, in course of time to "Septimania," from its seven principal cities. Its fortunes were during the Middle Ages generally connected with the counts of Toulouse, who took from this connection the title of dukes of Narbonne. Southwest of Aquitaine, between the river Garonne and the Pyrenees, was a territory occupied by a population made up of a mixture of the Gallo-Roman stock with an element of the mysterious Basque inhabitants of northwestern Spain. It appears from Charlemagne's time under the name "Vasconia" or Gascony, and maintains an independent existence until 1052, when it falls into the hands of the dukes of Aquitaine and there remains.

Bourgogne.

In the treaty of Verdun (843) the portion of the Burgundian lands lying to the west of the Upper Saône was separated from the rest and joined to the West-Frankish state. There it remained forever under the name of the duchy of Bourgogne, separated entirely in its political fortunes from the Burgundian lands east of the Saône and Rhone, which, as we have seen, were turned rather towards the east and south than towards the west. After a series of local dukes the government of the duchy came into the hands of the Capetian house and remained there until the fourteenth century.

To the north of the Loire we find the territories which we have already spoken of as the "Old-Frankish lands," with the notable exception that, since the Treaty of Verdun, that country which had probably the purest Frankish population of all, Lorraine, had been permanently lost to France. The earlier distinction of Neustria and Austrasia had also become obscured by the growth of new political centres, but it might still be employed to mark a difference of population, the Neustrian country along the middle and lower Seine, being occupied mainly by a Gallo-Roman, while the more northern and eastern portions were in the hands of an almost purely Germanic stock. The very rapid growth of the feudal principle had produced here a multitude of petty principalities, which may, however, politically be considered in a few well-defined groups.

North of the Loire.

In the farthest north between Scheldt and Somme was a group of territories whose fortunes were usually influenced by the counts of Flanders. It comprised, besides the county of Flanders itself, those of Artois, Boulogne and Guines. The northernmost portion of the inhabitants were Germanic in blood and language and were frequently drawn into the politics of the empire. The more southern portions were a Franco-Gallic mixture, fickle in their political attachments and a source of difficulties to the French monarchy throughout all its early development.

The Flemish Group.

South of Flanders we find a second group occupying a territory called by the general name of Picardy, though this name as that of a political division disappears very early and gives place to the more famous and permanent titles of Vermandois, Valois, Troyes, Chartres, Amiens and others. Eastward again, along the head waters of the Seine, Marne and Aisne lay the great county of Champagne, connected in its political fortunes with the houses of Blois and Vermandois, but maintaining its identity and exercising at times a powerful influence in French politics.

Picardy.

Champagne.

Normandy. In the northwest of France along the lower Seine, lay, at the close of the Carolingian period, a group of feudal lordships, without any common political ties. The most important were the counties of Rouen, Bayeux, Évreux and Seez, each centring about a city which carried its origin back into the Roman times. The political importance of this region as a whole dates from its infeudation as the property of the invading Northmen, **911.** the price of their alliance and the pledge of their entrance into the family of civilized and Christian peoples. Still farther to the west, taking in the whole of the great Armorican peninsula, was the land of Brittany, **Brittany.** sharply divided from its neighbors by peculiarities of race and tradition. The population was almost purely Celtic, little influenced by the Roman occupation, fiercely conscious of its identity, passionately attached to its local rulers, and resisting as long as possible every attempt to bring it under the control of any other power, were it that of the dukes of Normandy or of the kings of France. Nominally a vassal province of Normandy from the time of the first Norman infeudation, it did not become an actual part, even of the French kingdom, until the beginning of modern times.

Maine, Anjou and Touraine. Farther inland, south of Normandy and east of Brittany lay a group of lands, dating from the time of Charlemagne and having common characteristics of population and customs which gave them a political union during a very long period. The counties of Maine, Anjou and Touraine, independent during the tenth century, came in the next into the hands of the Angevine house and then, through connection with the Norman kings of England, were drawn into that series of events which formed for both England and France the chief political interest of the Middle Ages.

The Isle de France.

Finally, in the very centre of northern France, we find a little group of territories, bounded by the rivers Seine, Oise, Aisne and Marne, and called the Isle de France. From these lands as a centre the power was destined to grow which, by a singular steadiness of purpose and a rare capacity for taking advantage of circumstances, was to become the actual controlling force in French politics. The counts of Paris, later called also dukes of France (*Francia*), come into prominence in the latter part of the ninth century. We find one of them, Eudes (Otto), distinguishing himself in the famous defense of Paris against the Northmen in 886. He was the son of Robert the Strong, whose descent was traced from a Saxon ancestor, one, perhaps, of the colonists transplanted by Charlemagne to the Frankish territory.

Eudes. 887-898.

At the deposition of Charles the Fat in 887 Eudes was put forward by the leading nobles of northern France and of Bourgogne and crowned early in the following year by the bishop of Sens. This coronation by a bishop other than he of Rheims was made one of the pretexts for refusing allegiance to Eudes and for treating his claim as a rebellious attempt against the "legitimate" sovereignty of the Carolingian house. The archbishop Foulke of Rheims even went so far as to offer to crown Arnulf of Germany as king of the West-Franks, but finally gave way and crowned Eudes at Rheims. Eudes went over into Germany to Worms and there formally acknowledged the over-lordship of Arnulf. Within a few months Eudes was recognized as king by the whole of northern France, and soon the guardians of the Carolingian youth, Charles (the Simple) in Aquitaine, fell into line as well.

During the next few years the administration of Eudes was continually interrupted by attempts to gain the kingdom for Charles. Foulke of Rheims was generally the centre of these attempts, and at one time got to the point of winning for his master the support of the emperor Arnulf. How little this signified was shown almost immediately. Arnulf summoned the two claimants to come before him for his decision, and when Eudes alone answered the summons, promptly declared him king. If one compares the monarchy of Eudes in France with that of Arnulf or of Conrad I in Germany, one fails to perceive any essential difference. In each case the king was elected by a fraction of the leading fighting men of the country and then gained, by one or another means, the nominal allegiance of the rest ; but in no case was this allegiance thought of as anything very binding. The only noticeable difference was that in Germany there was no royal tradition about which any sentiment of loyalty could gather, while in France the Carolingian remnant always offered a centre and a pretext for demonstrations which were called, according to the point of view, "rebellions" or "restorations."

Charles the Simple. 898-923.

Eudes maintained himself until his death in 898, and gave his parting counsel to his followers, to choose Charles the Simple for their king, advice almost precisely the same as that given by Otto of Saxony about Conrad the Franconian in 911. Again the same history of a kingdom resting upon bargains with its subjects. The brother of Eudes, Robert, count of Paris, offered his support to Charles, and received therefor the title of duke of Francia, the gift of several of the richest abbeys, St. Denis, St. Germain des Prés, Morienval and the administration of most of the country between the Seine and Loire.

This estate of the duke of Francia might well be compared to one of the great eastern marks. Beyond it lay, all along the lower Seine, the region so often desolated by the Norman invasions, and still unredeemed to civilized life.

New swarms of Norsemen were still, with each returning spring, making their way up its rivers, and the government was as powerless as ever to resist them. The experiment of buying them off by a permanent grant of land had already been tried with success at other points, and now by the advice of duke Robert it was applied to the whole great region between his own territories and the sea. The leader of the most dangerous Norman troops, Rolf or Rollo, accepted the proposition of the king and undertook to become at once a Christian and his vassal. The story of the time that Rollo, called upon to kiss the foot of the king according to the Frankish form of homage, deputed this service to one of his men, and that this merry heathen promptly tipped his sacred highness on his back, has nothing in it intrinsically improbable. It illustrates very well the extremes of that contrast between the Roman-Byzantine notion of divine kingship and the Germanic idea of an elected military leadership, which it is the main purpose of this chapter to make clear. The rapid development of Normandy under the vigorous and intelligent rule of Rollo shows that what France needed was rather force and practical administrative skill than any over-anxious care about "legitimate" succession to a powerless throne.

Continued Invasion of the Northmen.

Investiture of Rollo with Normandy. 911.

The chief troubles of Charles the Simple's reign may also best be understood from the same point of view. The tradition is that the king's open display of favoritism toward a courtier named Hagano, a Lorrainer of low origin, roused to such a pitch the jealousy of the highest princes of the realm that they conspired for his overthrow. Under this dramatic form we may easily discern the conflict of ideas about the monarchy. It is only a king who is independent of his subjects that

Monarchy vs. Aristocracy.

can afford to rely upon "new men" in his government. Nothing, for example, is more striking in the methods of king Louis XI in the fifteenth century for getting rid of feudal limitations than precisely this trait. If any of his nobles objected to his confidences with his barber or his hangman, he had ways of getting rid of the offending magnate in the quietest and most effective fashion. The king of the early tenth century had no such resources. If he tried the method of independence he found himself at once in conflict with a very stubborn fact, — the actual supremacy of the barons. This is the explanation of the "revolt" headed by duke Robert of Francia. The barons felt their independence threatened by the king and took the natural method of protecting themselves. They were not inclined to do away with the monarchy; they proposed to manage it.

The Synod of Trosly. 909.

The part of the clerical element in this conflict is well shown at the local synod of Trosly in the year 909. There were present all the leading clergymen of the diocese of Rheims, under the presidency of the archbishop. Their acts show a condition of things extremely depressing from the clerical point of view. The chief complaint is of the spoiling of church goods by the barons, against which the synod sees no remedy but a vigorous support of the king. They call upon Charles to assert his divine right and to save the church, and with it society in general, from this violence of the laity. If we turn the page, however, it will not require any very great skill to read in this same document the protest of the lay nobility against the absorption of vast amounts of valuable land by the church, and their determination not to let this go on to the detriment of the commonwealth. However much the motive of selfish aggrandizement may have dictated the great feudal nobility in their action, it is clear, historically speaking, that in them lay the only hope of a vigorous administration of public affairs. This synod of Trosly may profitably be compared with that of Altheim in Germany seven years later. There, too, the clergy supported the monarchy of Conrad I, and lent its authority to the acts of despotic power by which his theory of a kingdom was destroyed and the victory of the lay nobility as a body secured.

Charles the Simple deposed. 922.

The outcome in France was that the nobles joined in rebellion against Charles the Simple and set up Robert of Francia as their elected head. The battle of Soissons in 923 resulted in the death of Robert, but also in the total defeat of Charles. The nobles continued their policy by again choosing for their king one of their own number, the duke Raoul of Bourgogne, a choice approved by Robert's son Hugh, and confirmed by the consecration of the bishop of Sens. Comparing this election with that of Henry I of Germany in the year following we find no essential differences. In both cases there were those who brought forward against the election prior claims of persons whom a well-defined royal tradition would have pointed out as the natural candidates; in both cases the inherent right of the "princes" to choose whom they pleased was asserted and maintained. The tradition brings into the account of both elections stories of magnanimous self-denial on the part of leaders who might well have claimed the crown for themselves.

King Raoul, the Burgundian. 923–936.

The reign of Raoul of Bourgogne, almost precisely conterminous with that of Henry I in Germany, has also a character almost exactly the same. In each country we find a multitude of local territorial powers, each jealous of the other and all jealous of the king whose election they have approved and whose authority they are willing to acknowledge, so long as he does not interfere with their own free development. In France the existence of the deposed king Charles forms a natural centre for "rebellions" until his death in 929 relieves the new monarchy of this source of anxiety. His son Louis, living in England at the court of his uncle, king Athelstan, was at the moment too young to attract a party to himself. The part played in German politics by the pressure of the Slav and the Hungarian on the east was taken in France by the still active groups of Norsemen settled along the lower courses of the western rivers, who from time to time repeated the history of the ninth century raids and were drawn into the wars of the princes by one and another party as suited its momentary interest. The same evil repute that attached to king Arnulf for his alliance with the Hungarians, fell also upon Charles the Simple for a similar compact with the Norsemen.

The Capetian Dukes at the Centre of French Politics.

At first glance the political situation seems little short of anarchy, and if anarchy be the absence of well-defined constitutional principles according to which the measures of the hour may be determined, then on both sides of the Rhine we have equally a period of anarchy. But if, as was here the case, we see underneath the struggles of immediate ambition a great principle working itself out into distinct institutions, then apparent anarchy becomes only a transition from an earlier to a later organization of society. As regards French history especially, the phraseology of most historians has tended to give quite false ideas as to the real state of affairs. The final success of the legitimate principle in France has caused historical writers to represent the struggles of this period as a conscious warfare of a sacred royal house with a succession of "pretenders," who have basely "rebelled" against the divine right of the "successors of Clovis." A more exact statement would be that the actual forces of a new order were shaping themselves in conflict with a worn-out tradition. The centre of this movement is to be found in the steady policy of the dukes of Francia. At the death of Raoul without heirs Hugh, son of Robert, declared himself ready to support the young Louis (d'Outremer), son of Charles the Simple. The princes agreed, and word was sent over into England that the lad might return, and, if he were able, succeed to the doubtful honor of the French crown. The comparison with Germany fails us here, because this Carolingian youth was almost literally a king without a roof over his head. He did not, like the leading princes in both countries, stand for a territory with which his family had been identified ; his only hope was in the fidelity of supporters whose allegiance must be bought by continual favoring of one against another and in the loyalty of a clergy, which looked to him to defend it against the encroachments of its lay colleagues.

The Reign of Louis IV (d'Outremer). 936-954.

For eighteen years the French monarchy was in the hands of this capable, vigorous and well-meaning person, who, however, in the face of overwhelming odds, succeeded in making nothing whatever of it. He was equally unable to face the raids of the Norsemen from the west and those of the Hungarians from the east. He could not for a moment count upon any one of the princes who had sworn to support him. His marriage alliance with the sister of Otto I was balanced by the marriage of Hugh of Francia with another sister. The German king lent himself now to one and now to the other of his brothers-in-law, as his own interest for the moment demanded. There is nothing in his dealings with them to show that the accident of the kingship of one made the slightest difference in any particular. Otto himself was occupied, during the whole early part of his reign with precisely similar conflicts in Germany; but when Louis died in

954, leaving to his widow and children no inheritance but a series of quarrels and an empty treasury, Otto had already succeeded in getting that hold upon the allegiance of his subjects which was to enable him in the following year to throw the whole weight of the German arms against the invading Hungarians at Augsburg, and soon to carry the German kingdom into Italy as the only savior of the largest interests of western Christianity.

The Reign of King Lothair. 954-986.

The same general description answers for the reign of Louis' son Lothair, which filled the space of a generation of men, but left to the country only the record of incessant struggle to give the Carolingian kingdom a territorial basis which might enable it to make head against the actual power of the feudal nobility. The most interesting element in this conflict is the effort of Lothair to make the utmost use of his connection with the eastern kingdom. At first by way of alliance he tried to use it as a makeweight against Hugh of Francia, and then, profiting by the rebellion of the leading men in Lorraine, he made a valiant effort to capture that province and reunite it to the landless crown of France. This attempt went so far that he actually got into Lorraine and drove king Otto II out of Aachen in all haste. Otto's reply was an immediate declaration of war, and thereupon, within a few months, an expedition, at the head of at least thirty thousand men, into the heart of the western kingdom. But, after all, this, too, was a mere display of bravado. Otto led his army to the gates of Paris, and the West-Franks shut themselves up in the city. After a long exchange of bragging messages, the invaders set out for home and got on well enough until in crossing a river a part of their force was cut off by a sudden flood and fell a prey to their cautious pursuers.

In fact this is the usual character of what passes in the chronicles of the period for war. It is almost never that we read of actual fighting in the open field, and for really great and well-defined issues. Only one thing becomes tolerably clear: that the princes of northern France were not inclined to favor a foreign invader, nor to admit for a moment the possibility that their land might become an integral part of the Germanized empire. Their chief, Hugh Capet, allied himself in this extremity with the French king, entered Paris with him and lent him his aid in the pursuit of the retreating emperor. Lothair died in the year 986. His son Louis succeeded without opposition to his empty honors, but survived him only a little more than a year. The quality of these last three Carolingian kings in France was decidedly above that of the average mediaeval ruler. They were all men of energy, attractive, knightly figures, engaged from first to last in a hopeless conflict with powers they could not control and with which they would not make terms. The time for kingdoms without power was gone, and the time for a new order, resting upon actual resources in men and money, was come.

Louis V. 986–987.

Such is, unquestionably, the historical meaning of the monarchy of Hugh Capet. At the death of Louis V the opportunity was open as never before for the holders of the actual power in France to declare themselves as to the principles by which they would be governed. So far as "legitimacy" was concerned there was no claimant who had any strong hold upon any element of the nation. The only capable representative of the Carolingians was Charles, duke of lower Lorraine, a vassal, therefore, of the German king. This foreign connection was decidedly against him at the time, as was also the fact that he had set himself in opposition to all those tendencies towards feudal independence which were giving character to politics everywhere. The feudal princes feared him, while on the other hand they saw in Hugh of Francia

The Political Situation in 987.

a man who had come up in the world like themselves as the head of a great landed property, and was, also like themselves, so bound up with the maintenance of the feudal principle that he would be unlikely to work against it. We instinctively ask the question at this crisis, why the princes of France should have cared to go through the formality of choosing a king at all. Why could they not have gone on, each for himself, securing their mutual rights by some form of federation and escaping, once for all, the dangers with which any active monarchy must threaten them? The answer is probably to be found in the necessities of the feudal principle itself. The relation of every vassal to his lord was, so to speak, guaranteed by the existence of a similar relation of that lord to the king. The monarchy was the essential key-stone to the feudal structure, which was shaky enough at best, and, without some such binding element, was in constant danger of going to pieces by its own weight.[1]

Election of Hugh Capet. 987.

The chief requirement for a king under these conditions was that he should be strong, but not too strong, above all that he should be in sympathy with, not hostile to, the institution over which he was to preside. These conditions seemed to be united in Hugh Capet. He was himself lord of a large territory; he was joined by family ties to the chief princes of the land, to the duke of Normandy, the dukes of Aquitaine and Burgundy, the count of Vermandois. He had shown himself a good friend of the church, though, like all the rest, he had not scrupled to take church property into his hands, and was in his own person, abbot of more than one rich monastery. The head of the clergy of northern France, the archbishop Adalberon of Rheims, became the leader of Hugh's party. At an assembly of their partisans at Senlis, he declared, as the basis of all further proceedings, that the throne did not pass by inheritance, but that the proper personal qualities must be present in the man who should be king. Such qualities were, he said, united in Hugh of Francia, who would not only defend the state as a whole but would insure to each one the honors and privileges which were his due. Upon this basis Hugh was declared elected, and was crowned by Adalberon at Rheims on the 3d of July, 987. Before his election Hugh had promised the clergy that he would respect their privileges in every particular. The most important pledge of his sincerity in this matter was his resignation of the lay abbacies, which had been accumulated in his family, with the single exception of St. Martin at Tours. The influence of the Cluny reform cannot fail to be seen in this very significant act.

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[1] I cannot agree with the statement of A. Rambaud that there was never such a thing as a feudal monarchy. Feudalism without a monarchy adapted to its forms would have ceased to be feudalism, and would have become a mere federation of independent princes without a distinct political character.

Double Character of the Capetian Monarchy.

In trying to understand the very complicated question of the development of the Capetian monarchy, it is important to remember that the king had throughout a double character. He was the apex of the feudal pyramid, and as such stood to all the members of the feudal body in the relation of suzerain. The usual accounts of the new kingdom are apt to stop here and to leave out of sight the other equally important fact that the king was not only a *suzerain* but also a *sovereign*, *i.e.*, that in spite of the vast predominance of the feudal notion there was always, going along with it, the other, earlier and simpler conception of the king as the divine being, the source of law and justice, invested with a peculiar religious character and raised above the limitations of ordinary human life by virtue of the sanctity of his royal commission. If we call the first of these conceptions the "feudal," we may call the other the "ecclesiastical and popular." Whenever the monarchy found itself too hard pressed by the actual facts of a feudally organized society, it threw itself upon the church and the "people," and seldom without finding there the support it needed. If we are reminded that the clergy itself was feudalized, so that its interests were often hopelessly tied up with those of the feudal aristocracy, we have to consider that the clerical institution also held within itself an ideal of something divine, *i.e.*, permanent, which, through all its corrupting worldliness, was never lost sight of.

The King as "Sovereign" vs. the King as "Suzerain."

The history of the Capetian monarchy is the record of a continual struggle between these two ideas of the king as suzerain and the king as sovereign. In the former capacity he could deal directly only with the members of the feudal hierarchy; in the latter he dealt directly with all the inhabitants of the kingdom. As suzerain he had only vassals; as sovereign he had also "subjects." Now the problem of the monarchy was steadily to make the element of sovereignty gain upon that of suzerainty. During the whole strictly mediaeval period this gain was slight, but what there was of it was solid. The hold of the monarchy in France was so strengthened that towards the close of our period, and more especially in that just following, it was able to make the most vigorous assertions of its right, and to carry them through in the face of all the obstacles which the declining feudalism of the succeeding centuries could bring to bear against it. If we limit our view to those outward events which chiefly attract the attention of the annalist, the Capetian monarchy during the first two centuries of its existence seems hardly more than the caricature of a royal power. It had far less land, and less of those resources of men and money that go with land, than several of its vassal principalities. The great achievements that brought glory to the French name in this period were none of them directly connected with the monarchy. The conquest of England, the settlement of southern Italy, the leadership in the crusades and the control of the conquered lands in Syria, were the work of Frenchmen, but the monarchy entered only secondarily into either the process or the results. The same may be said of the greater triumphs of peaceful life. The movement for social reform proceeding from the monastery of Cluny, the great intellectual development gathering around the University of Paris, the splendid achievements of the "Gothic" architecture, the rise of a new literature of the vulgar tongue in the south, all of these had gone forward without any of the fostering which the monarchies of an earlier and of a later date had reckoned among their chief obligations.

Process of Strengthening the Monarchy.

Yet it is hardly too much to say that the foundations for the future greatness of the French monarchy, the most effective of all the later European sovereignties, were laid broad and deep during precisely this period. The process by which this advance was accomplished may be traced chiefly along three lines: 1, the heredity of the crown; 2, the principle of primogeniture; 3, the indivisibility and gradual increase of the royal domain. As regards the succession, there was no more certainty in France than in Germany. It could not be said that an hereditary principle was fixed, and yet from the Merovingian times down it had been the frequent custom for the reigning king to associate with himself in his lifetime the son whom he wished to succeed him, and the approval of the princes to this association had generally been regarded by them as an obligation to support the son when his time came. It was therefore in pursuance of an ancient Frankish custom, observed in Germany as well, that Hugh Capet secured the approval of his vassals to the succession of his son Robert, and thus set an example which was regularly followed for almost two centuries. By the time of Philip Augustus the tradition had become so firmly established that he did not take the precaution to associate his son, who, nevertheless, succeeded without opposition. The Capetian line had the rare good fortune that during three hundred and forty-one years the reigning king never failed to have a son ready to succeed him.

The Establishment of Primogeniture.

The principle of primogeniture is by no means a necessary condition of an hereditary kingdom. The ruinous practice of a partition among sons had clung with fatal tenacity to the hereditary idea under the Merovingian and Carolingian kings, but by the time of the Capetians there was no longer any thought of this. The only question was, how should the successor be selected from among several sons? It arose for the first time during the reign of Robert II, and was hotly debated by the family and the advisers of the king. The result was the choice of the elder and the establishment of a precedent from which no departure was afterward made. The value of this principle to the ruling house was that it avoided the kind of conflicts which, under feudal conditions, always gave a pretext for combinations against the universally dreaded royal power.

The Royal Domain, under Hugh Capet.

In the development of the royal domain we see the best illustration of the clearness and tenacity of purpose which were the distinguishing marks of the family of Francia. At the coming of Hugh Capet, there was practically nothing that could be called a royal property, from which revenue could be drawn for the support of the crown as such. The last Carolingians had been so destitute that they had been called in derision "kings of Laon." It was evident, therefore, that the new king would have to depend wholly upon the resources of the property which he held as duke of Francia or by whatever other title. It was a personal property, and would become royal only in case it could pass from king to king by the ordinary process of feudal inheritance. A rash king would have staked his fortune on the chances of conquest and probably would have lost. Hugh was satisfied to keep what he had and to take the ordinary feudal chances of a gradual increase. Precisely what his domain included is a matter of great uncertainty. It is clear that he and his immediate successors had comparatively small resources for instant use and played a far less prominent part in political life than his immediate predecessors had done. Their prestige, such as it was, rested upon their possession of the royal title with its ecclesiastical and popular associations. This element becomes especially clear in the case of Hugh's son, the "pious" Robert (996–1031). His actual power was next to *nil*, but his sovereignty was unquestioned and his figure as that of a typical mediaeval king is very distinct.

Growth of the Royal Domain. Henry I. 1031–1060.

The first notable increase of the royal domain took place in 1055, when king Henry I annexed the county of Sens on the death of its feudal owner, and kept it in his own hands. Several other annexations made by the same king were given out again to new tenants. The continual struggles of Henry I with William of Normandy may be regarded as evidence of an intention to increase the domain towards the northwest, an intention totally defeated by the superior power of the Norman duke.

Under Philip I the same effort went on in all directions. Towards Normandy Philip got possession of the Vexin, whose lord, Simon of Valois, had become a monk. A great part of the county of Vermandois, with the title, came into his hands by the death of the count, and was given out again in fief to the king's brother Hugh. These gains helped to consolidate the Capetian lands in the Isle de France; beyond the Loire the purchase of the city and territory of Bourges gave a nucleus for future growth of the domain in the south.

Philip I. 1060-1108.

The reign of Louis VI (le Gros) marks a decided increase of vigor in the royal policy. He was constantly on the alert to take advantage of every opportunity to convert his relation of suzerainty (over-lordship) into that of sovereignty (direct lordship), and no matter how small the territory thus gained, the power of the king as a direct landholder was by so much increased. The king entered fully into the working of the feudal principle at the time of its greatest height, and profited by it. By this process the royal power planted itself as a landed proprietor at numerous points of vantage, consolidated territory where it could, and trusted to the future for a chance to unite these petty holdings into one grand territorial complex. The most brilliant expansion of the Capetian house since its accession to the crown was the marriage of the prince royal, Louis (VII), to Eleanor, heiress of the great duchy of Aquitaine. The royal power seemed thereby to be immensely increased, but, in fact, this distant and turbulent vassal state proved a far less valuable acquisition than the numerous smaller holdings on which the grasp of the king was permanently and solidly fixed. The divorce of Louis VII, averted during his father's lifetime by the skillful policy of Suger, set free once more the Aquitanian duchy and allowed it to be united to the inveterate enemy of France, the Norman state of England.

Louis VI. 1108-1137.

The marriage of Eleanor with Henry Plantagenet of Anjou and Maine, heir to the English throne, created a combination of territories which formed nothing less than a new state, overwhelmingly greater than even the nominal possessions of the Capetian king. In the almost entire absence of any limits of nationality, there was no good reason why the future development of France and England should not take place along a north and south line of division as well as any other. The hope for France was that the feudal principle of easy dismemberment would work within this new Anglo-Norman-Angevine-Aquitanian state as it was working within the state of France. This hope was realized under the son and successor of Louis VII, Philip Augustus, the first king of France in anything like the later sense of that word.

Check to the King by the Angevine-Aquitanian Marriage.

The Norman and Angevine lands had been recognized as fiefs, held by England of the French crown, but were declared by a court of peers forfeited, either on account of the alleged murder of the young Arthur of Brittany by king John, or as penalty for his violation of feudal duty, and thus came under the direct lordship of the French king. Philip Augustus was strong enough to make good this judicial decree by force of arms, and in 1205 made Normandy a part of his domain. In 1258 it was definitely given up by Henry III of England. With Normandy came also Maine and Anjou and part of Poitou, territories of great importance in binding together the northern and southern provinces. Brittany also, the remote Celtic northwest province of Gaul, followed in theory the feudal fortunes of Normandy, but it was to be centuries yet before the hold of the royal power there was to be anything more than nominal. Philip Augustus had received with his wife, Isabella of Hainault (Hennegau), daughter of the count of Flanders, the county of Artois, and handed this on as a family property to his son,

Annexation of Normandy, Anjou and Maine.

Artois.

Louis VIII. The county of Auvergne, a subject territory of the counts of Toulouse, was taken in war by Philip Augustus and used by his grandson Louis IX as a provision for his brother Alfonse (1241). The same disposal was made of the county of Poitou, which came to Philip Augustus in 1204 as a part of the forfeitures of king John. This same Alfonse married (1249) a daughter of the unfortunate count Raymond VII of Toulouse, whose territories, sadly diminished it is true by the Albigensian wars, came thus into Capetian hands. At the death of Alfonse, without heirs, in 1271 all these southern territories, Toulouse, Poitou and Auvergne, fell to the royal domain. Other acquisitions made by Louis IX (1226–1270) were Carcassonne, Beziers, Nismes and Macon in the south, and the counties of Perche, Blois, Chartres, Sancerre in the north. Under Philip III (1270–1285), by the marriage of his son Philip IV (1285–1314) with Jeanne, heiress of Champagne and Brie, and queen of Navarre, all these territories became parts of the domain.

Auvergne.

Poitou.

Toulouse.

Navarre, Champagne and Brie.

Thus, by the close of our period, the Capetian kings had come to be rulers, by virtue of direct lordship, over territories, not always closely adjoining each other, but forming, by their vast extent and favorable strategic positions, an overwhelming balance against any feudal combination likely to be attempted. From this time on the danger to the French crown is no longer chiefly in feudal rebellion, but in the antagonism of its great national rival across the channel — an antagonism destined to bring out into vigorous self-consciousness all the forces of the French nationality itself. This acquisition of a family territory, held by the king independently of feudal control, was beyond all question the great lever of the monarchy in working against all political interests which

The French Monarchy Complete.

could in any way conflict with its own. The regular succession of rulers, — the son following the father, — the great length of the several reigns, the absence of strong local attachment in the provinces, even the very essential qualities of the feudal system itself — all helped to consolidate the Capetian interests into a force which was in time to prove itself irresistible. We have now to notice, still following the distinction between sovereignty and suzerainty, some of the other incidents of this vast development. The greater part of the material resources of the monarchy will be found enumerated in the chapter on the feudal institutions. They are there treated as incidental to the structure of the feudal system as a whole. Our present business is to notice more especially the machinery of government by which the monarchy maintained itself through the time of its almost total eclipse, and which it thus found ready to its hand when the time to assert itself had come.

The Organs of the Royal Administration.

Like every other mediaeval prince, the king administered his affairs through a body of officials, known then, as they have been ever since, as his *ministri*, or *ministeriales*,[1] *i.e.*, servants, personally attached to him, usually, of course, as vassals, but not primarily as such. Originally menials, their close relation to the person of the king served to give them a dignity and an influence above those of the ordinary vassal. They appear with increasing frequency, as the period advances, as the regular associates of the king in his public acts. Especially the chancellor becomes the usual medium of his legislative action, while the seneschal grows as the administrative head of affairs until he becomes almost a danger to the state. From the earliest times it had been the theory of the Germanic state that the acts of the king were issued in conformity

The Royal Council.

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[1] See pp. 110–112.

with the will of the "people," *i.e.*, of the able-bodied fighting men. Under the feudal arrangements this theory was continued; the consent of those on whom he must rely for the execution of his plans was essential to the validity of the king's slightest action. Out of this necessity was developed the royal council — on the one hand a check on the king by bringing all his actions under the scrutiny of many other persons; on the other hand a defense to him against the irregular and unorganized opposition of the independent nobility as a whole. These officials were known, all together, as the *palatini* — a name expressing their close connection with the king's person. They were appointed by him, looked to him for employment and advancement, and served him as agents in every attempt to make his authority something more than a name. In the early stages of the Capetian monarchy the *palatini* were generally selected from among the higher feudal nobility. Gradually, however, as the antagonism became more acute, they were taken more and more from the ranks of the lower gentry and clergy, in order that they might the more effectively be used against the dangerous feudal rivals of the crown. It is through the continuance of this policy that the counselors of the king came to be purely the instruments of his pleasure, like the lawyers of Philip IV and his successors in the fourteenth century, and the barbers and hangmen of Louis XI in the fifteenth.

Conflict of the Central with the Local Administration.

The difficulties of the king, as sovereign, in resisting the feudal pressure become still more clear as we study his efforts to enforce authority outside the limits of his domain. We may well remind ourselves here once more of the way in which Charlemagne had faced the same problem, and what form it had taken under his successors. He had tried to combine the two notions of central and provincial administration by putting the government of his provinces into the hands of royal officials,—the *comites* of the king,—created by him and responsible to him. But the force of the feudal development had completely overturned this theory; the counts ceased to be central officials, and became local chiefs, bound to the centre only by the loose feudal tie. In the effort of the Capetians to become once more effectively kings of at least a part of Charlemagne's territory, this earlier condition of a responsible centralized body of royal officials was to be restored. For the present, the two notions of officials and vassals were almost hopelessly confused. If the king ordered one of his great vassals to do a thing—as, for instance, to defend a certain abbey or to punish a certain delinquent—he could expect obedience only if it was quite convenient for the vassal. Cases of such demands are, in fact, rare before the year 1200.[1] The kings' best hold during this early time was upon the bishops and abbots—especially upon those whose endowments came from the kings themselves. These great prelates, drawn naturally to the king by the attraction of his semi-sacred character, and by the common danger from feudal encroachment, became the nearest thing there was to regular royal officials, without definitely holding office under specific titles.

Churchmen as Royal Officials.

From the time of Henry I, however, we get clear traces of a new personage, destined to become for a long period the central figure in the local administration of the crown lands. This is the *prévôt*, an officer placed in a given locality to represent the king as judge and tax-collector. It is curious to notice how once more the old danger reappeared. How were these persons to be paid? According to all feudal precedent this could be done only by giving them a fief with revenues attached

The Office of Prévôt,

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[1] See, for illustration, Luchaire, *Institutions*, I, p. 208.

to it. Either this fief must be in land, in which case the prévôt was pretty sure to become a local resident, and so an independent person, or the office itself with its fees and perquisites must be treated as a fief. In either case it was almost certain to claim the hereditary character, and, in so far as it did this, it drifted away from the sole control of the king. In short, it was, until nearly 1200, next to impossible for the crown to hold on to the notion of a working official body which should not be drawn into the all-devouring feudal vortex. The primary duties of the prévôt were the collection of the royal revenue and the administration of the royal justice. The chief sources of revenue are described in the chapter on the feudal institutions. As time went on the tendency was continually gaining, to convert the numerous forms of feudal obligation into money payments, and as this went on the importance of the prévôtal office increased in proportion.

In Danger of becoming feudalized.

The Prévôt as Tax-Collector.

The judicial functions of the prévôt came from the theory of the king as the final source of all justice. They included every kind of activity from the jurisdiction over petty civil or criminal cases up to appeals from the tardy or faulty justice of the barons. Under this head comes also a function so familiar to us that we seldom think of it, but, in the Middle Ages everywhere perhaps the most difficult of all, namely, the police. What seems to us the prime necessity of life and the normal condition of civilized society, the security of the streets and highways, was then altogether exceptional. To maintain this security was, in a vague way, thought of as one of the specific duties of the king. Naturally, it was very irregularly and ineffectually performed, but it is worth our notice as perhaps the best entering wedge of the royal authority whenever the king had the will and the power to drive it in.

As Judge.

As Guardian of the Peace.

That much effective work was done by the prévôtal body is proved by the numerous complaints of the feudal persons, especially the church foundations, against which they had made aggressions. They oppressed the feudal holders; but it is not clear that this oppression was always to the advantage of the king. Very often the prévôt was really lining his own nest under the pretense of doing his duty towards his master. The evident source of much of this maladministration was the vicious system of "farming" the revenue, by which the prévôt paid a lump sum into the public treasury and then paid himself out of the country at discretion. Many charters of the twelfth century show that the king was forced to take action and to assure the inhabitants of many important towns against the aggression of his own agents. Such charters were given also in great numbers to churches and monasteries, going so far as to exempt the foundation entirely from royal interference. Such restrictions upon the royal officials must be regarded as an effort to hold the proper balance between the ideas of feudal independence and of royal supremacy.

Aggression of the Royal Agents.

The great advance in the royal power by the time of Philip Augustus is nowhere so clearly to be seen as precisely along this line of the royal officials. It had become clear that the prévôts as the sole representatives of the crown had had their day. They, like all earlier royal officers, had taken on a feudal character, and, if any effective protest was to be made, it must be by creating a new set of officials whose attachment to the crown could be secured by some means hitherto untried. This is the origin of the *bailli*, the local royal agent who was to carry the pretensions of the crown to a complete triumph. The name was old, but the functions, as defined by the famous edict of 1190, were new and

The Baillis supplant the Prévôts.

capable of almost indefinite expansion. This edict was published on the eve of the king's departure for the Holy Land. A bailli was to be appointed in every important district of the domain as supervisor over all the prévôts of that district. He was to appoint four good men in each *prévôté* and to do nothing without the consent of at least two of them. In case of need he might summarily remove the prévôts, and in any case should report to the king any delinquency in their administrations. He was to hold court monthly in his district, and three times a year to report to the king's regents at Paris the results of these local sessions. At the beginning of Beaumanoir's treatise on the customs of the territory of Beauvais, written in the latter part of the thirteenth century, we have an elaborate description of the ideal bailli. Beaumanoir was himself a bailli, and, if we might accept his description, no human virtue was too lofty for the administration of so important a trust. He enumerates ten different qualities, each indispensable, beginning with wisdom and ending with loyalty. Yet, finally, he sums up all in these two and especially in loyalty, without which all the rest, even wisdom, may be rather dangerous than desirable.

Administrative Edict of Philip Augustus. 1190.

Beaumanoir's picture of the ideal bailli was probably as seldom realized as ideal pictures of public officials in church or state have ever been. The interesting thing about this new governmental experiment is that instead of waiting for the inevitable evils of it to declare themselves the king profited by the lessons of all time to anticipate them. We are once more reminded of Charlemagne in the restrictions laid upon the baillis to keep them always in close touch with the king and as little as possible identified with the districts in which they served. There seems to have been no such thing as a permanent bailli for a given district; the man was made

Restrictions on the Independence of the Bailli.

bailli and then was assigned from time to time to any district where his services might be needed. He was forbidden to marry or to acquire property in the district; he must make to the king frequent and regular returns of his action; at the close of his term in a given district he must remain there long enough to give the inhabitants a chance to complain of any aggression. The bailli was almost the first public official in modern times to receive a regular money payment for his services, and in view of this he was strictly forbidden to receive any compensation from the people of the district, and also to make any presents to those above him at the court, from whom he might hope for advantage. The principle of selfishness was appealed to by making the advancement of the bailli in the official world depend upon his fidelity to the interests of the king.

Results of the New Royal Administration.

All this seems so simple that one wonders at first why every king had not done the same. The answer is to be found in our whole study of mediaeval conditions. Until now the one essential to any such effective administration, a landed property from which the king could draw men and money, had been wanting. Now, especially after the great acquisitions of Philip Augustus, such a property was secured and the only question was whether the king could dispose of its resources at his pleasure. The result shows that his new machinery did actually work. In fact the only trouble seems to have been that the baillis served him only too well, so that repeatedly the king who profited by their zeal had to disown their acts and even to discipline them for oppressing his good subjects. The practical result was, that by means of a more careful administration and a not over-nice sense of honor in financial matters, the king was soon able to dispense to a very great extent with the slippery feudal service and to employ in all lesser affairs a body of trained and paid soldiers who looked to him alone for their profit and advancement. Prestige gained in this way drew to the king continually more and more of the shifting loyalty of the feudal powers. The first great political demonstration of the new monarchy is at the battle of Bouvines, where Philip Augustus appears as the actual head of a great financial and military organization, such as no other state of Europe at the time could show.

Legislative Power of the Monarchy.

It remains to speak briefly of one function of the royal power, which more than any other, perhaps, seems to us essential to the very idea of the monarchy, the power to make laws. Yet it will not surprise us after our previous study of mediaeval conditions to find that this function was almost wholly wanting to the mediaeval monarch. More than this, the very notion of *making* laws was foreign to mediaeval ideas. A law was not a thing to be made; it was there as a part of the national or the racial possession, and the only thing to be provided for was its proper interpretation and administration. Charlemagne had made laws, because he had brought about new conditions, to which the old law did not apply, but from his time until the close of our period there was next to no legislation, in that sense, in all Europe. When, therefore, we speak of the king as legislator we are not to think of him as producing new laws, but only as acting within the limits of law actually existing. If, as was from time to time the case, the conditions of public or private life required some new interpretation of law, such changes were met legally by the decisions of courts, and these were then taken as precedents and became law without any "legislative" action on the part of any one. Whatever may have been the theory of those who liked to emphasize the sacred character of the king as the fountain of all good things for his grateful people, in fact he never acted independently. No royal edict was valid except with the approval of somebody. Originally the approving body was the general assembly of the chief personages of the state, both lay and clerical. Such assemblages were, as we saw, in the time of Charlemagne and regularly thereafter, made up of both clergymen and laymen, and dealt with political and religious matters indifferently. It is impossible to distinguish clearly at any time between a "synod" and a "diet." At the former it was the clergymen who took the leading part, and the subjects chiefly discussed related to the field of religion; but we find barons of every sort present, expressing their opinion and influencing the result. So at the diet, "*placitum*," or by whatever other name it might be called, it was chiefly laymen who dictated the course of affairs, but clergymen were also there and had what weight in the decision they might. To carry this point one step further, no person called upon in the Middle Ages to give a judicial decision was expected or suffered to give it alone. The judge, of whatever order, was only the mouthpiece or the president of a body of representatives of the community, a something like our modern jury, which aided him in finding the verdict.

Limited by Popular Representation.

These same limitations surrounded the king, and no French monarch, during this whole long period of gradually increasing independence, ever thought of trying to escape them. The only change was that with the course of time the number of the persons forming the limiting assemblies grew smaller and smaller, and came to be determined by more regular practice. We have already spoken of the *palatini*, partly officials of the king and partly members of the feudal aristocracy, who attached themselves to the person of the king for what they could get, and came to be identified with his personal, individual activity as ruler. The vague term *palatini* becomes

The "Curia Regis."

more definite under the form of the *curia regis*, the representative in ordinary times of the old authority of the general assembly. Its functions extended to the confirmation of the king's public acts and judicial decisions, and some of its members — if we may use the word "member" of so vague a corporation — were the king's agents in the collection of his revenues. At the close of our period the *curia regis* was broken up according to its administrative functions, and out of it were evolved three permanent institutions, the Parlement, the King's Council and the Chamber of Accounts or Exchequer.

The Parlement de Paris.

Of these, the Parlement deserves a word of notice, as one of the early attempts to place the ordinary administration of justice in the hands of a body of men specially trained for this service. By this is not meant that the members were primarily thought of as lawyers or jurists. The very conception of a lawyer, in the modern sense, was unknown to the middle period; every one knew the law, and it was the plain business of the governing powers to apply it. The earliest members of the Parlement were, therefore, simply persons, lay or clerical, who stood high in the king's confidence, and were thought of as suitable to represent him in this special side of his activity. Gradually, however, as the study and use of the Roman law increased, especially during the thirteenth century, the Parlement came almost entirely into the hands of technically educated lawyers. The king's court had always followed him wherever he might be, — which does not imply that the same persons always composed it, but rather that various members of his household and those who were his nearest neighbors at a given time were called in to serve. Now, with the greater specialization of the public service the Parlement was definitely located at Paris, and remained there. Delegates of the Parlement, or, as we should say, circuit justices, were sent out into the provinces to hear cases concerning the interest of the king. The terms King's Council and Chamber of Accounts explain themselves, the one as the executive or administrative, the other as the financial branch of the public service. As we come into this stage of the French monarchy we are evidently in a wholly new atmosphere. It is no longer the purely mediaeval world, but one in which the modern spirit is already giving unquestionable signs of its approaching victory.

The French Monarchy at the Close of the Middle Ages.

By the time of Philip the Fair (1285–1314), the king of France had come to be in all essential respects a modern king. He had the allegiance of the whole territory over which his title extended. He was able to draw from that territory, by means of an effective financial system, the means wherewith to pay both his soldiers and his officers of administration and justice. By means of these soldiers he could hold his vassals in obedience and could enforce the decisions of his courts of law. He had such confidence in his resources that in a time of great need, in the bitterest conflict with the papacy that the French kingdom had ever had, he did not hesitate to call upon the whole body of his subjects, united in the first Estates General (1302), and to commit his cause as the cause of the French nation to their hands. All this was not at that time true of any other European monarch, excepting, in a somewhat less degree, of the king of England.

CHAPTER XIII.

THE INTELLECTUAL LIFE OF THE MIDDLE AGES.

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Religious Character of Mediaeval Thought.

THE history of mediaeval thought is so closely bound up with the history of its religious development that the two cannot be separated in our study. Never, perhaps, in the progress of humanity has the content of the thinking mind been so completely determined by religious ideas. The cause of this is not far to seek. The populations with which we have here to do were but just emerging from barbarism; in many ways they were still barbarians. Whatever germs of native culture the Germanic races had had within them at the time of contact with the Romans had been stifled by the higher culture which the conquered race had offered them. One after another the several Germanic races had risen—or fallen, as we may view the matter—to the level of this dominant culture. They had surrendered their religion without a struggle; they had taken on the forms of learning which they found ready to their hand; they had imitated the institutions which their own stage of development had not fitted them thoroughly to understand; and so we find them after the Carolingian period varnished over with a thin coating of civilization, which, at every critical moment, but ill concealed the real barbarian beneath.

The Carolingian Renaissance.

Now the agent in this intellectual process had been the organized church. In reading the pages of Gregory of Tours, written about the year 600, one is constantly impressed with the terrible disparity between the noble sentiments of the writer and the ghastly morality of the society in which he lived. The

Gallic clergy of his day seems like a foreign element in the midst of the native population. Then came the reorganization of the whole Frankish church under the impulse of the Englishman Boniface, and, following immediately upon that, the so-called "revival of learning" in the time of Charlemagne. Here again we get the same impression, only less violent. The scholars of the court of Charlemagne were almost without exception foreigners—men, who, even if they were of Germanic stock, had already been Romanized in all that pertained to their intellectual life. There is a tone of artificiality about it all; one feels that it is an imported culture. In the laws of Charlemagne relating to education there is nothing to indicate a spontaneous movement of the Frankish race from below upward; it is all a thing imposed from above downward, working from without inward. If, as was undoubtedly the case, this foreign culture was something higher than the race could at once have attained to by itself, one cannot help feeling that the process was the reverse of the true and natural one, and asking one's self whether a culture gained in this way could possibly be thoroughly sound and healthy. One is tempted to ask, whether, if the Germanic peoples had been let alone to develop themselves after their own fashion, a civilization, slower indeed in its growth, but built up from the soundest elements of the nation's life, might not have moulded the European peoples into a far more effective human instrument than they were destined to become.

Charlemagne's Educational Efforts.

As we pass on through the Carolingian period the same impression goes with us, losing, however, in intensity as the process of amalgamation advances. That Charlemagne was sincerely anxious to make the Franks capable of entering into the inheritance of Rome there can be no manner of doubt. He was, far more at least than his immediate predecessors, a man of culture. He could read and understand Latin — how well, perhaps, we had better not too closely inquire; he tried late in life to learn to write, but plainly his progress in that direction did not greatly impress his partial biographer. Far more important, however, is his sympathetic interest in whatever there was of intellectual activity visible in his people. He summoned to his court a group of scholars, at the head of whom was the Englishman Alcuin, a man trained in the school of York, and with a wide experience of travel and study in the south. To him was intrusted the work of organizing at least the beginnings of a system of education. The writings of Alcuin which have come down to us show that he was as far as possible from being an original thinker on any subject. The so-called Palace School, over which he presided, was probably a very unsystematic affair, hardly more than an amusement for the ladies and gentlemen of the court; but it was something that an example was set in a quarter where imitation was most likely to follow. Another character in the school was Einhard — friend, biographer and perhaps son-in-law of the king. We have from him, besides the *Vita Caroli Magni*, a series of historical records, among the earliest examples of a kind destined to be the prevailing form of historical writing throughout the Middle Ages, called "Annals" from the fact that the record is made by years. The *Vita* is a very neat bit of character-drawing, closely modeled on the *Lives of the Emperors*, by Suetonius. The annals — meagre, unsystematic, with no sense of historical proportion — are yet precious documents for us in an age when the literary impulse was languid almost to the point of silence. Another "find" of Charlemagne's in Italy was Paulus, called "Diaconus" — a typical historian of the time. Two great works of his have come to us in more or less complete form: one a history of the

Alcuin.

Paulus Diaconus.

bishops of Metz, and the other a history of the Lombards. Both are singular mixtures of oral tradition, pure legend and disordered extracts from earlier writings without criticism or examination. In neither of them is there anything of the writer's own observation or independent inquiry. With him came a scholar of a different sort, — Peter of Pisa, — a grammarian, whose function was to teach language at the court school. Poetic composition, such as it was, was represented by Angilbert, a Frank, the openly acknowledged lover of the king's daughter, father by her of the historian Nithard, and all this time a monk in good odor, abbot of St. Richier in Picardy. Angilbert's poetry is a curious jumble of Virgil, Ovid, Lucan, in fair epic form, and generally treating of the life of his own time and immediate surroundings. Theodulf, bishop of Orleans, has left us similar poems, considerable in quantity and of great historical value for the light they throw upon the conditions of the court of Charles.

The chief interest of Charlemagne's effort in this direction is in its effect upon the following period. Little as we know of the actual facts, it is quite clear from this time on that education has received a new impulse. It moves along ways already prepared for it; its centres are the monasteries and the bishoprics, which had always been the homes of what intellectual life there was. The difference is that now, with a more energetic administration of the state, the cause of education advances, like every other interest, with more confidence and with larger results. Instead of the foreigners we begin to have native scholars in considerable numbers, and their work begins to show fruits.

Perhaps the best illustration of this is the activity in doctrinal matters, which appears at, and just after, the middle of the ninth century, the period, it will be remembered, when great questions of church law were agitating Frankland to its very centre. In speaking of the Forged Decretals we stated the common opinion of scholars that they were the product of a group of clergymen in Gaul. This fact in itself would indicate an activity quite beyond anything we should expect at an earlier day. The same period marks the breaking-out of two notable doctrinal controversies, — notable, both for their content and for the spirit they display. The first of these is on the question of Transubstantiation, that doctrine of the church which more than any other was to be made the central point of dogmatic discussion down into the century of the Reformation. Briefly stated, this doctrine is that in the sacrament of the Eucharist or Lord's Supper, the bread and the wine are, by means of the words spoken by the priest, converted into the actual body and blood of Christ. This was, in the ninth century, no new idea. It had long been held as a part of the accepted church tradition; but men had been satisfied with holding it without trying to define it more precisely. It is an interesting sign of the rising of new intellectual energy in the north, that men begin to seek for a more precise definition. The controversy was started by one Paschasius Radbertus, a monk of Corbie in France, whose thought on this subject could not be satisfied without going to the utmost extreme of logic. If this doctrine is true, in what sense is it true? Is this a transformation in the imagination of the communicant, so that he receives into his body, as it were, the spiritual substance of Christ, thereby becoming more like him and so a better man? Or, on the other hand, is it a physical transformation, whereby the bread actually and physically ceases to be bread and becomes flesh, and the wine in the same way becomes an actual and physical blood? Paschasius, with that pitiless

Doctrinal Controversies. 9th Century.

"Transubstantiation" defined.

logic which was to be the most striking feature of northern speculation, declared himself for the latter view. "God," he said, "is all-powerful; therefore he *can* change one thing into another." There is an actual miraculous change of substance, while at the same time the "accidents" of the bread and the wine, that is, all those qualities by which our senses perceive them, remain the same. This is a merciful provision, lest the communicant be shocked by the knowledge that he is actually eating flesh and blood; — although as a matter of fact Christ has often appeared on the altar without this precaution, as for instance, under the form of a child or of a lamb.

Opposition to Transubstantiation.

This straightforward and consistent materialism found at once vigorous opposition. All the leaders in Frankish learning at that day took part in the controversy. Foremost against Paschasius was Rabanus Maurus, archbishop of Mainz, whose treatise on the subject has been lost. The most thorough statement of this side was made by the monk Ratramnus, whose treatise, long supposed to be the work of John Scotus Erigena, puts the basis of the Eucharistic rite wholly on spiritual grounds. True, we receive the body and blood of Christ, but in a spiritual sense; otherwise *there would be no room for the exercise of faith.* The argument against Transubstantiation has never been more powerfully put, and is quite worthy of the fame of Erigena, the straightest thinker of his day, whose opinion also was undoubtedly on the same side. On the other hand, no less a man than Hincmar of Rheims, the most important personage in the Gallic church, took up the cudgels for Paschasius; others came to his support and the result was that this form of the doctrine, the grossest and least spiritual possible, became the accepted belief of the church, and remains so to this day.

The Doctrine of Predestination.

Another doctrinal controversy shows also the activity of this late Carolingian period in matters of speculative thought. Here again it was not a new idea, but rather a new emphasis upon one which the church had perhaps been too much inclined to forget. The originator of this discussion was a Saxon named Gottschalk, who had been thrust into a monastery as a child, then tried to get out, but, being prevented, threw himself into the study of Augustine, and there became convinced, just as Luther did in his day, that the church had never been able to live up to the standard of pure Augustinian teaching. The central doctrine of the great teacher of the West had been the incapacity of the human soul to work itself free of the burden of sinfulness with which it came into the world, and hence the necessity of some higher decision as to its ultimate fate. Man could not save himself; he was only to be saved by an act of God's will, and this act applied only to certain persons selected by the same inscrutable will. Certain souls were selected to be saved, but — and here the logic of Augustine failed him — it could not be said that certain others were selected to be damned. Gottschalk, as fresh a Christian probably as Augustine himself, could not see why this was not an irresistible conclusion. He published his opinions, but found himself almost alone in them. Tried, first by Rabanus at Mainz and then by Hincmar at Rheims, he was taken by the latter, flogged and then imprisoned for the remaining twenty years of his life. The only treatise in this controversy worth our present notice is that of Erigena, written at the request of Hincmar, but going far beyond the orthodox view of his time. Not only is there no double predestination, he said, but there is no predestination at all. Man shares the liberty of every reasonable being to shape himself as he will. Sin is a pure

847.

negation; and there is no punishment of sin but the sin itself.

Effect of Asceticism on Learning.

It will be observed that the actors in both these controversies were all northerners, belonging, all of them, to the circle of scholars who surrounded Charles the Bald. This was, undoubtedly, the first fruits of the effort of Charlemagne, and of that idea of the religious life which he represented. According to him, if we may judge by his acts, the clergyman was to be a holy man indeed, but not a premature saint. The bishop was a public man, bound to be learned and to do his formal duty, but bound also to serve his king with men and money. The monk was to keep strictly to his rule, but he, too, was, in his way, a public functionary; he was to cultivate learning, and he was to help along in the necessary work of opening up the country to civilized industry. The dreamer by profession finds no place in the laws of Charlemagne, as, indeed, the ascetic ideal had little room for lodgment in his essentially practical mind. With the accession of Louis the Pious, there came, as we have seen, a turn in this development. The more strictly ascetic tendency, represented by Benedict of Aniane, had its chance, and began to rival very powerfully the more practical spirit of the previous generation. That learning should be controlled by the clerical, and primarily by the monastic element, was now decided; the question still remained what the character of this new learning was to be. On this point the course of ideas can readily be traced. From the time of the triumph of Christianity over heathenism, we can see, growing step by step, the feeling that the learning of antiquity was a dangerous thing for Christian minds. Gregory the Great had reprimanded a Gallic bishop for teaching "grammar," saying, that the lips devoted to the service of God ought not to be polluted by such heathen abominations. The same idea crops out in the effort to make the monasteries homes of ascetic zeal. The classical learning was to be pursued, but the moment a man found himself enjoying it, he was in danger. It must be studied, but only as a means of preparing men for the holy work of the church. The ancient authors were simply models of style, not recorders of things worth knowing, and, least of all, were they for a moment to be thought of as rivaling the great writers of the early Christian church, the "Fathers," from whom all that was worth knowing could safely be learned.

Cluny favors the Ascetic Ideal.

The very embodiment of this idea was the order of Cluny. Its whole struggle was to keep alive the ideal of the ascetic life, the life of duty as opposed to the life of pleasure. The holy abbot Odo tells us that in his youth he had been seduced by the charms of the ancient literature, but that, having fallen asleep one day over his precious Virgil, he had seen in a vision a wondrous antique vase, which, as he stretched out his hand to grasp it, proved to be full of writhing serpents. From that day he never touched his classics again. The first eager impulse of this ascetic revival probably explains in part the great decline of literature in the course of the tenth century. Quite consistent with this opinion is the fact that the most encouraging signs of literary progress in this period are seen in a region where the Cluny theory of monasticism had not penetrated. The Carolingian foundations in Saxony had by this time become in their turn so many centres of light, and had been distinctly encouraged by the rising house of the Ottos. The men and women of this family represent a sturdy form of piety, far removed from the sentimental over-consciousness of the strict ascetic party. The new Saxon bishoprics of the early Carolingian times had been fostered with great

Literary Impulse in Saxony.

care, and were increased by others equally strong and effective. The warfare with heathenism along the border kept alive the missionary spirit, with its practical adaptation of means to ends. The monasteries of Hersfeld, Corvey and Hildesheim for men, Quedlinburg and Gandersheim for women, became the seats of a culture which carried on the germs of the classic tradition to a very considerable development. Out of this circle grows the history of the Saxon people by Widukind, our chief source of knowledge for the house of Otto, a book as valuable for the earlier traditions of the Saxons as that of Paulus Diaconus for those of the Lombards. That this culture was pursued by women as well is shown by the unique productions of Roswitha, a nun of Gandersheim, who, fully sensible of the charms of the Latin poets, but sensible also of the danger of their contents, undertook to imitate their form, and to substitute Christian materials for the plots of Plautus and Terence. The abbesses of Quedlinburg were, during many years, taken from the royal Saxon house ; one of them, Matilda, was regent of the kingdom while her nephew, Otto III, was absent in Italy. The annalistic records, especially those of Hildesheim and Hersfeld, begin in this time and become of increasing value as the civilization of the race grows. By the time of Otto III the pure Saxon tradition, as shown in the wonderful poem of the "Heliand" in the early ninth century, is completely overcome by the Latinized culture of the Franks. "Why should I repeat this story," says Widukind when he comes to the Frankish conquest, "since you can read it all in the histories of the Franks?" His Saxon fathers, battling in desperate struggle for their inherited liberty and their ancient faith, have become for him simply men caught in the toils of a dreadful superstition from which they were delivered by the valor of the great Charles.

Beginnings of the Scholastic Culture.

As we pass over into the eleventh century the interest of our literary study begins once more to centre about the western parts of Europe. Again it is a dogmatic controversy which best illustrates the gathering of ideas into forms which can be studied. If we examine carefully the doctrine of Transubstantiation as it appeared in the writings of Paschasius and his defenders, we see at once that its acceptance depended upon a certain philosophical idea. If men could believe that underneath the outward appearances of any object, bread for instance, there lay a something whose existence was no less real because we cannot perceive it, and further that this something is the real thing and the only real thing, while those aspects of it which we can perceive are very unimportant, "accidents" in fact, then these same men could easily take one more step and think of this reality as separable from its accidents. That accomplished, it was an easy step to the idea that this reality, this "substance" could be changed into another, without affecting the accidents, from which it was, in fact, quite separate. At the time of Paschasius opinions were, as we saw, very much divided on this point. Since his time the drift had been wholly in his direction.

Berengar of Tours.

No decisive action of the church had been taken, but when, about the year 1050, Berengar, a canon of Tours, declared himself unable to go through this philosophic process, and, therefore, unable to accept the doctrine of Transubstantiation, he found a perfect storm about his head. Down to this time the papacy had hardly been in position to exercise much influence in a purely intellectual discussion. A generation earlier Gerbert had justified his resistance to Rome by declaring that all learning and piety, not to say common decency, had deserted Rome and had taken up its seat in

Gaul. Now, however, things had changed. The papacy had just been pulled out of the mire of Roman politics by the strong hand of Henry III and given one more chance to show what it could do for Europe. When Berengar, in a letter to his friend Lanfranc, afterward Archbishop of Canterbury, stated his opinion, Lanfranc, at the time in Rome, showed the letter to pope Leo IX, the last man in the world to let such an opportunity drop. Berengar, summoned to a council, first at Rome, then at Vercelli, seems to have been willing to go, but was prevented by king Henry I of France. Later he did go to Rome, and was present at the great Lateran council of 1059. There, his doctrine was totally condemned, and he was forced into a sort of recantation. His confidence in going to Rome seems to have come from some previous discussion with Hildebrand who had led him to believe that his doctrine might easily be made to square with the church tradition. After Hildebrand had become pope, Berengar was again before a Roman council, and after long discussion and attempts at compromise was brought to sign a declaration of belief in the crudest and most material form possible of the Transubstantiation doctrine. All this, however, did not prevent him from going home and teaching his views to his dying day.

Berengar and Hildebrand.

We have seen how this heresy of Berengar came from a philosophical difficulty, which, if we should follow it out, would give us the key to the most important phases of mediaeval thought. At this point, however, it seems proper to notice another aspect of this famous discussion and to ask ourselves why the church found it important to insist with such energy upon its view of the Eucharistic problem. In describing the formation of the Hildebrandine party just at this time we have noticed in Lombardy the party known as

"Manichean" and "Docetic" Ideas.

the "Pataria" and have taken a hurried glimpse of their peculiar views. These "heretics" belonged to the general class of the "Manicheans," whose ideas had been moving westward over Europe, cropping out here and there and always exciting the greatest hostility from the organized church. In France, not so very long before, there had been a regular persecution of similar persons. The confessor of queen Constance had been convicted of the taint and had been put to death. The chief offense of this party was, that starting with a peculiar conception of the material universe as the eternal opponent of the spiritual, they came to a notion of the Christ which would not allow them to believe that God the spirit could ever have demeaned himself to take upon him the actual physical body of a man. Instead of this he must have assumed only the *form* of humanity. The apparent life and death of Jesus were therefore only a mere delusion of the senses; he was not an actual man, but only an apparent (*docetic*) man. This "docetic" idea struck at the very root of the fundamental doctrine of historic Christianity. If Jesus were not just as really man as he was really God, then the whole church theology was overturned.

Their Connection with the Eucharist.

Now the most striking expression of this faith of the church was in the Eucharistic service. Here, before the very eyes of the faithful occurred its absolute demonstration. Here was, not a *symbol* of Christ's humanity, but the very human Christ himself, bodily as he was, taken into the body of the believer. Whoever cast a doubt upon this doctrine, therefore, put himself into a dangerous alliance with the terrible Manichean. A spiritual interpretation of this idea might, in the temper of the age, easily run over into a too spiritual conception of the man Christ himself. The indulgence of Hildebrand on this point may perhaps be understood in the light of his similar indulgence towards the Patarini of Lombardy. They gave him just at the right moment the kind of support he wanted against the married clergy, and precisely in the year 1078 Hildebrand was in no condition to throw aside any alliance that could help in that direction. The church, more orthodox than the pope, had no such scruples and condemned Berengar in the straightest terms. From that day to this it has branded him as the worst of heretics.

Nominalism and Realism.

The chief interest of Berengar to us is as an illustration of the intellectual ferment, just beginning to appear among the schools of northern Gaul. The essential doctrines of the church were fully established; learning had ceased to occupy itself with the content of the ancient literatures, but the human mind, impatient even then of control, could not cease to act. If it might not safely discuss the content of its belief, it must busy itself with discussing its form. If it could not question the fact, it would try to find out the "why" and the "how" of the fact. In this effort it found itself at the very outset confronted by a problem, on the solution of which all its future action seemed to depend. In defining this problem we may use terms already employed in speaking of Berengar's troubles. His mental difficulty had been to comprehend the existence of a substance or "subject" independent of its attributes or "accidents." This same difficulty showed itself at the same time in other ways. The first person to give it philosophical expression was one Roscellinus, a canon of Compiègne and a teacher in the school of Paris. Although his writings are lost, we learn his opinions from those of his great opponent, Anselm of Canterbury, and of his pupil, Abelard. Put in philosophical language, the position of Roscellinus was that all those general terms by which we designate species or classes were only names, invented to sum up for us in convenient form the impressions gained from our knowledge of the individuals who make up the classes. The term "horse," for example, is only a convenient sound (*flatus vocis*) by which we connote all those impressions which our experience of horses has given us. Knowledge, in other words, begins with the individuals and proceeds to the universals: — "*universalia post rem.*" Not so, said the opponents. These general ideas, far from being mere names, are real things, in fact the only real things, and the individual phenomena are but illustrations of them. Before we had ever seen a horse the reality, "horse" existed in the universal mind. Strip away from it all its accidents and still it remains, the only permanent thing in this change: — "*universalia ante rem.*" Of course there was also a party of those who would take neither side of this controversy and set up for their motto the conciliatory principle, "*universalia in re.*"

Practical Bearing of the Controversy.

If we think of all this as a mere war of words about things that no one could ever understand it is dreary enough indeed, but if we apply these ideas to the really great concerns of men we begin to see that it was by no means an idle warfare. If, for instance, we say instead of "horse," "church," how shall we fix the attitude of the two schools? Plainly the Realist would conceive of the church as having a peculiar existence of its own, independent of the individual men who at any time compose it. To him it would be a sacred entity, which no individual might properly criticise, but under which he must classify himself as completely as may be. The Nominalist, on the other hand, would begin with his individuals and would define the church as a mere name, by which we group these individuals for our own mental convenience. The same process would hold for the state, the guild or any other grouping of men. And rising higher we should find here two opinions as to the nature of God; one making him the convenient summary of our ideas upon the divine, the other giving him an absolute original existence independent of any human interpretation.

Anselm of Canterbury. 1033-1109.

Perhaps the fairest illustration of this early scholastic thought is to be found in the person of Anselm of Canterbury. Of Italian birth, but educated in the rising schools of northern Gaul, Anselm became first monk, then prior of the Norman monastery of Bec, and was thence transferred to the chief ecclesiastical seat of Norman England at Canterbury. He demonstrated his loyalty to the Roman theory of the church by taking the side of the Gregorian party in the question of the investitures and shared the triumph of his party in England. Anselm was the first scholar to undertake the scientific demonstration of the facts of the Christian tradition. In doing this his starting-point was the absolute truth of the whole body of these facts as received from the church. His intellectual principle was that faith must precede knowledge. He said "*non intelligo ut credam; sed credo ut intelligam.*" Let no man seek to inquire whether that which the church teaches may *not* be true; on the contrary, he must absolutely accept this and govern himself by it. If then he can comprehend *why* and *how* this is true, let him thank God; if not, let him give up his search, for the chances are that he will get the worst of it if he goes on.

His Hostility to Nominalism.

This defines most accurately the orthodox scholastic position. It rests upon that conception of the nature of knowledge which we have been trying to understand. Naturally Anselm was drawn into controversy with the nominalistic view. He wrote a vigorous treatise against Roscellinus, to which he gave the title "The Doctrine of the Trinity and the Incarnation of the Word against the Blasphemies of Roscellinus." He speaks of his opponent as one of those new-fangled dialectic heretics who are so stupid that they cannot distinguish the horse from the color of the horse. In Anselm we see the most perfect form of that subordination of the individual mind to the dictation of the organized church, which was to be the most marked feature of all mediaeval thought. Men were at liberty to think as hard as they pleased, but they must do it within certain well-defined limits. When they found their minds getting dangerously near these limits they must assume that they were going wrong, and must turn about and wander over the familiar ways again.

The University of Paris.

Of course this was a splendid service to the Roman organization. The alarm which the church had thus far felt at the advance of learning was beginning to be set at rest; learning was coming to show itself not the enemy but the firmest ally of the traditional doctrine, and, what was more to the purpose, of the established organization. It is in these early efforts of the human mind to work out, in what seemed a scientific fashion, the greatest problems of faith and thought, that we find the beginnings of modern, systematic higher education. The precise origins of the European universities are lost in obscurity. We can tell when they were first recognized as corporate bodies, but it seems clear that long before this there had been at the same places groups of teachers, who offered instruction to whoever wanted it, and took their pay from each scholar precisely as a modern private tutor would do. The profession of teaching was emancipating itself from the monasteries and beginning to come out for itself as a recognized means of livelihood. Such a teacher, probably, was Roscellinus; another was William of Champeaux, famous at Paris in the last years of the eleventh century as the invincible dialectician. Certain it is that any bright young man, seeking to go farther than the preparatory drill of the "*trivium*" and "*quadrivium*," was naturally drawn to Paris, and that the number of such youths was very considerable. Pitiful as the pursuit of reasoning in circles about things of which men were perfectly certain when they started, may seem to us, we cannot fail to get the impression that Paris was the centre of the most active kind of intellectual life. It was very much that men were thinking at all, and out of it something must surely come.

Peter Abelard. 1079–1142.

At this stage of things we meet the most attractive and brilliant figure of the whole scholastic period. Peter Abelard was a native of Normandy, well educated at home, and then attracted to Paris by the fame of William of Champeaux. His first achievement was to beat his master in a dialectic encounter, in consequence of which the veteran was actually forced to leave the town and Abelard was encouraged to set himself up as a teacher of dialectics. He offers us the singular spectacle of an active, restless intellect, thrown into the midst of a community which could appreciate his gifts only so long as he used them in conventional ways, but was ready to pounce upon him the moment he began to follow the leading of his own acute reasoning. In our day he would have been a furious radical; in the eleventh century he was only a human being in a society which had little regard for the human in mankind. It would lead us too far to go into the conflicts of Abelard with the established authorities in church and state. In an age when the ascetic ideal was fixing itself on European society as the one means by which it could be held in some kind of order and decency, he openly violated the social law, not of the church merely, but of civilization, justifying himself, as similar minds have done since, by the claim of the higher law of the individual over the arbitrary regulations of the social organism.

Doctrinally Abelard was probably as sound as thousands of others who have made their doctrines square with the demand of their time. The popular belief was, however, to the contrary, and he was brought before several Gallic synods and regularly disciplined. The worst charge against him, that he questioned the doctrine of the Trinity, was not proved, and Abelard was suffered to end his days in peace in the seclusion of the monastery of Cluny. But though thus formally acquitted of heresy, there can be no doubt that Abelard was the most dangerous kind of a man possible to the Middle Ages. Even if he did not maintain, as was charged against him, that nothing was true that could not be proved, the whole tendency of his life and teaching pointed in that direction. His immense personal popularity, — even allowing for the exaggerations of his own statements, — showed that he had something to offer to the youth of his day that appealed most strongly to their imagination. If he was not an out-and-out Nominalist he was as far from being a Realist, and the youths who listened to his dialectic subtleties could hardly help applying the same principle to the institutions they saw about them. The career of Arnold of Brescia is the clearest illustration of what the teaching of Abelard would lead to in the case of an ardent youth, filled with the enthusiasm of humanity and longing to work out into tangible forms the ideas he had been taking in. From the teaching of Paris Arnold returned to his native Brescia, and found himself at once in the midst of conflicts which forced him to apply to practical affairs the philosophic principles he had been learning. Compelled to leave Brescia, he turned again to the counsels of his master and spent the next five years in France and Switzerland, leaving everywhere a strong impression of his force and clearness of insight into the existing evils of society; thence back

Abelard's Influence.

again into Italy, more than ever inspired with the sense of a mission given him to put these ideas of individual right and the independence of the human mind into practice. The opportunity came with the revolution in Rome, which in the year 1143 had overturned the temporal power of the papacy and put Rome into the hands of her own citizens under the forms of a revived republic. So closely was Arnold identified with this Roman revolution that later tradition came to think of him, without reason, as its author.[1]

Philosophic Basis of Arnold's Action.

Arnold's part in Roman affairs may be regarded as the most striking illustration of what would have come to pass everywhere if the thought of Abelard had become the dominant principle of European action. The existing forms of the Roman institution could never have withstood the free criticism of minds untrammeled by the fixed limitations of the scholastic method. The moment men began to use their minds in independent ways, asking themselves simply, "Is this thing so? Is it honorable? Is it right? Can we better it?" the kind of questions in short that any man would ask whose thought was not fixed beforehand in lines from which he might not diverge, that moment was the beginning of the end for the whole Roman church system. Its very existence depended upon maintaining throughout Europe a condition of mind which would not suffer such questions. It was necessary that men should begin with the absolute truth of the system as it was. They might play around it with fine distinctions and the brilliant fire-works of their dialectics as much as they pleased, but the least appearance of question as to its absolute imperativeness must be met at the outset with decisive energy. That was precisely the difference between Anselm and Abelard. Anselm had gone all around the danger of critical inquiry; Abelard had run straight into it, and what was worse, he had led others after him. The Roman revolution was only the logical demonstration of what might be expected if this kind of philosophic heresy was to go on.

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[1] See p. 293 ff.

Opposition to Scholasticism. Mysticism.

Arnold was crushed out of existence by a combination which, when it could be brought to bear, no force could resist. Ideas which, if the emperor had been able to understand them, might have been turned to his lasting profit, were put out of harm's way to serve the purpose of the very institution he was all his life trying to control. The immediate interest of Barbarossa in this act was undoubtedly a merely political one; he needed the papacy at the moment and crushed its enemy to gain its peace. Far more powerful, however, than any political necessity was the working of a set of ideas fundamentally different from those of scholasticism, opposing them in their spirit, though often allying itself with them to enforce the beautiful mediaeval ideal. The essential element of Scholasticism was an intellectual one. However narrowing and cramping to the human mind the system might be, it nevertheless depended for its results upon distinctly intellectual processes. It maintained the faith, but it wanted its measure of sight as well. The rival system, on the contrary, to which we give the broad and vague name of "Mysticism," rested its conclusions upon a quite different process. It too started with entire acceptance of the whole body of faith as it was handed on by the organized church; but it felt no need of confirming this faith by any mental action whatever. Rather, shaking itself free of all such mechanical devices, it fell back upon that basis, so welcome to the mystics of all ages, the "testimony of the naturally Christian soul." The truth of the doctrine was to be enforced, not by demonstration through dialectics, or by appeal to any philosophic authority,

The Basis of Mysticism.

but by the contemplation of the devout soul, looking into its own inmost depths and finding there the response to the formal statement of the creeds. The individual was to absorb the truth, not by putting it to the test of his own poor reason, but rather by fitting his own individuality to the truth. The aim, it will be seen, was the same as that of the scholastics, viz., the reconciliation between the individual soul and the body of Christian belief; in the one case this reconciliation was through the use of as much intellect as was safe, in the other through using as little intellect as possible.

A Mystic "School."

We are dealing here with an opposition that runs throughout human society; there must always be the men of the intellect and the men of faith. At times the line may be drawn very sharply between them; in the Middle Ages this line was often obscure. The tendency to formulate everything was so great that even the Mystics found themselves drawn into a "school" of their own. The founder of this school was that William of Champeaux, who was driven out of Paris by the rising fame of Abelard and betook himself to the neighboring monastery of St. Victor. Himself a scholastically trained man, his treatment of mystical ideas naturally took on a scholastic form and gave the tone to the teaching of his successors, the "Victorians," who, for a century to come, kept up here a successful rivalry to the more strictly intellectual scholasticism of Paris.

Contemplative Mysticism.

The effect of the "mystic" state of mind has always been to turn men into one of two attitudes: either into the life of solitary contemplation, or into that of intense humanitarian activity. The former, with its semi-scholastic element, is represented in the early Middle Ages by the "Victorians" and in the later by such names as Bonaventura, Eckhart, Tauler and Thomas à Kempis. The literature of this direction is mainly emotional; it carries the reader into the region of deep personal conviction, and tends to strengthen in him every germ of attachment to the traditional doctrine, and to the existing forms of its presentation. On the other hand this same profound conviction, so profound that it needs no argument to support it, may drive a man out of the luxury of personal contemplation into the most eager conflict with existing evil. The intensity of his own conviction may compel him to carry it to others, and to use it as his weapon in the greatest conflicts. It may inspire a great preacher or a great organizer or a great reformer.

Practical Mysticism.

Such is the point of view from which one must approach the man who, more than any other, represents the Spirit of the Middle Ages. Bernard of Clairvaux came out of that stock of the French nobility which was producing the best there was in every line of activity in the late eleventh century. The ascetic impulse, developed by the Cluny influence to a point where it had begun to fall away from its original purity, seized upon him with all its resistless force. For a nature like his there was no half-way surrender; the monastery meant to him not a place of easy and luxurious retirement, where a man might keep himself pure from earthly contact, nor even a home of learning, from which a man might influence his world. It meant rather a place of pitiless discipline, whereby the natural man should be reduced to the lowest terms and thus the spiritual life be given its largest liberty. Already the decline of the ascetic spirit in the congregation of Cluny had led to a new departure, and the order of the Cistercians had arisen, with a stricter enforcement of the rule. But even this was not strict enough for Bernard. With a handful of followers he plunged into the forest, and there in a sunny glade, *clara vallis*, he founded the new house of

Bernard of Clairvaux.

Clairvaux. If ever a man knew his age, it was Bernard. This appeal to the ascetic ideal was more effective than any conformity to the dominant tendency of the older orders could have been. The same spirit that was drawing men to the following of the cross, sent eager throngs into the stern discipline of Clairvaux. The founder could pick his men, and he did so with such skill that he had soon prepared a trained body of lieutenants for the warfare he had in view. What we have said already as to the methods of Cluny applies, with few changes, here also. The aim of Bernard was nothing less than the regeneration of society through the presence in it of devoted men, bound together by a compact organization, and holding up to the world the highest types of an ideal which had already fixed itself in the imagination of the age. From Clairvaux as a new centre men were to go out and carry into other places the principles that had made it effective. At his death he was able to count no less than one hundred and fifty religious houses which had been "reformed" through his influence.

Bernard and the Scholastic Learning.

But this monastic reform was only the instrument for the larger ideas of Bernard. His life was spent in ceaseless efforts to maintain unimpaired the immense advantage which the Roman organization in all its parts had gained in the conflict with the temporal powers. More clearly than any one else he saw whither the scholastic process in the hands of an Abelard must inevitably tend, and he threw the whole weight of his immense personality into the scale against it. Abelard was the pride of the school of Paris; his irregularities of life and the shadiness of his opinions had not greatly diminished his popularity. Not only the eager youth who followed all his changes of fortune, but the cooler heads of the Gallican church showed often the largest charity to the man even when they did not quite follow the bold flight of his ideas.

Left to themselves it may be doubted whether the clergy of France would have taken decisive action against him. The correspondence of Bernard leaves no room for doubt that he thought of this intellectual conflict as a crusade from which he could not draw back. He appears as the prosecuting attorney in the final trial of Abelard, and he it was who brought the opposition of the French clergy to a focus.

Scholasticism in the Service of the Church.

The antagonism of Bernard and Abelard is the more interesting because it is not one of personalities. Bernard did not enter the dialectic lists and try to overcome his opponent with his own weapons; had he done so defeat would have been certain. His policy was, rather, to show what must be the outcome of that principle of proving all things, which was the gist of Abelard's whole philosophy. The error that Bernard fought against was not in this or that scholastic trick; it was fundamental, going to the very roots of the great ecclesiastical structure he had sworn to defend. The defeat of Abelard at the council of Sens showed that the drift of ideas was too much for him; that even Scholasticism must recognize those limits which the dominant church had set. It marks, not the defeat of Scholasticism, but the capture of it by the conservative wing of the party of education. The church of St. Bernard did not seek a return to barbarism; it demanded that all the intellect, as well as all the other forces of human society, should be turned to its service. Nor would it be true to say that Nominalism, with all that it represented, was definitely put down. It had received a severe blow and it was long before it could show its head again without disguise; but as the middle period goes on, there runs through it a steady current of independent thought, which at its close takes on once more the same forms it had had in the beginning. The Nominalism of William of Occam at the beginning of the fourteenth century is the revival of the same instinct which had marked the thinking of Roscellinus at the end of the eleventh.

The Triumph of Realism.

Between these two names is the golden age of the realistic scholasticism. Whatever deviations in form might from time to time show themselves, the one great principle that the truly important thing in the universe is the generality and the unimportant thing is the individual, governs European society in this interval. From this point of view alone can we understand the tenacity with which men clung to those great ideal institutions, the empire and the church, holding on to them when all the actual forces of politics seemed to be proving them utterly useless. Only thus can we account for the tremendous hold on the minds of men of that vast world of the unseen, which to the mediaeval man was almost more real than the material world about him. What he called faith was to him vastly more than mere sight. The summons to the crusade, for instance; what could be more shadowy than this desire to recover six feet of earth in a distant land, which, when it was gained, could bring no visible advantage whatever to its possessors? Yet it was precisely this kind of a summons that appealed most powerfully to the "realistic" world of Europe, and it was not until the thoughts of men began to take on the opposite form that this summons lost its effect.

Scholasticism and the Ascetic Spirit.

So, again, it will be seen that the ideas of philosophic realism found an echo in the ascetic spirit of the time. If it was true that the individual man was of little or no account in the great scheme of the universe, what more natural than that he should sink himself in a great institution, whose very essence was self-abnegation? Bernard, the typical man of the Middle Ages, who starved and beat himself until his natural humanity was almost driven out of him, was the true champion of the realistic idea against every assault that seemed likely to put the individual forward as something worth considering. What offended him in Abelard above all else was that Abelard dared to appeal to his own individual mind as to a witness worthy of hearing. Bernard lived to see almost a realization of the dream of Hildebrand. A celibate clergy bound to the papacy by ties of gratitude for favors past and to come; the resistance of national powers broken one after the other by an appeal to the ideal sense of the people as against their allegiance to kings and princes of this world; an elaborate philosophic scheme, developed expressly with the purpose of maintaining theoretically what the course of events had gained practically: this was indeed a brilliant triumph.

Scholasticism and the Mendicant Orders.

The most striking illustration of the combination of all the intellectual forces of Europe into one great effort is seen in the case of the mendicant orders of St. Dominic and St. Francis. The original impulse of these vast organizations was as far as possible from being an intellectual one. They represent only the highest form of revival of the ascetic influence. Both the founders, the Spanish Dominic and the Italian Francis, were men of ecstatic fervor, converted from the life of the world to the life of the spirit, and recognizing the need there was of a new basis for the monastic work. The previous orders had aimed at seclusion from the world, and one after another had fallen a prey to the impulses of worldly ambition and love of ease and power. The new orders were to differ radically in this, that their very essence was to be in the world, not out of it. The vow of mendicancy itself was intended to express this same idea, that the friar was to go out and seek the very bread of his physical life while bearing to others the food of the spiritual life.

The call for this new form of asceticism came at a crisis when the parish clergy and the previous monastic orders had shown themselves inadequate to meet the demand of the time. Its immediate and enormous success showed how well it had been planned.

The Mendicant Scholars.

Petrus Lombardus. Died 1164.

Alexander of Hales, Franciscan. Died 1245.

Albert the Great, Dominican. Died 1280.

Almost from the first the new orders began to devote themselves to the field of philosophic study and production. The greatest names of the triumphant scholasticism belong to them, and in them we see the union of learning and devotion in its clearest form. After Abelard the most notable name is that of Petrus Lombardus, not for any original merit, but for the skill with which he put into short and usable form the most important doctrines of Christianity, with a brief statement of the scholastic demonstration of them. He called his book *Sententiae*, and it became the starting-point for all future discussions of the Schools. His title is usually *Magister Sententiarum*. Then begins the series of the mendicant scholars. Alexander of Hales, a Gloucestershire Englishman, was the first Franciscan to teach theology at Paris. His commentary on the "sentences" took the form of a complete *summa* of Christian scientific, *i.e.*, scholastic theology. He was called the *doctor irrefragabilis*. Albert "the Great" was a German Dominican, also a teacher at Paris and author of a *summa theologica*. In him we find perhaps the best example of the fine points of scholastic dialectics as, for instance, on the question, "What happens if a mouse eats the consecrated host?" The amount of his learned production was incredible; it fills twenty-one printed folio volumes. His greatest fame, however, in the later times is that he was the master of Thomas of Aquino (Aquinas), a Neapolitan, who, after finishing his studies, taught at Paris and at the principal seats of learning in Italy. His *Summa theologiae* is by far the most famous and the most instructive of all the systematic presentations of mediaeval theology. In three different parts it takes up all the doctrines of Roman Christianity, and without casting a single doubt upon their absolute truth and binding force develops them along what seemed then to be scientific lines. His command of the whole scholastic machinery is complete, his logic, if one can admit his preconceptions, is close and accurate. His own time called him the *doctor angelicus*, and his book has remained to this day the classical exposition of Roman theology. When the present pope, Leo XIII, desired to stir up the energies of the Catholic world to meet the assault of modern learning with its own weapons, he could find no better way to do this than to commend the study of Thomas Aquinas. The Franciscan order is represented by Thomas' contemporary and landsman, Bonaventura, in whom the scholastic and mystic tendencies were successfully combined, and by Duns Scotus, the *doctor subtilis*, an Englishman in whom the scholastic hair-splitting as a science reached its culmination. Perhaps because he was a Franciscan while Thomas was a Dominican, the later scholars of the two orders found it worth while to follow, each the example of his fellow-friar, and thus arose in the later Middle Ages the rival schools of the Thomists and the Scotists, between whom, however, there was no essential issue. Finally, when at the close of our period the intellectual process of the schools began to be changed, it was mainly Franciscans, before all others the Englishman, William of Occam, who lent themselves to the task of furnishing a new content as well as a new method to the thought of Europe.

Thomas of Aquino, Dominican. Died 1274.

Bonaventura, Franciscan. Died 1274.

Duns Scotus, Franciscan. Died 1308.

With this identification of philosophy with the church system, the work of scholasticism may be said to be done.

The Rise of Universities.

Its great defects are evident to us; its vast services to the cause of learning, by keeping alive the desire to justify faith by an appeal to the intellect, are more easily forgotten. One of its permanent results was the transfer of the most important seats of education from the monasteries and bishoprics to great municipal centres and the creation of a distinct class of learned men. That these were still, in one form or another, generally clergymen, did not cover the fact that learning was beginning to feel its feet and would soon be able to walk alone.

Origin of the Mediaeval University.

The first fact for us to notice in connection with the mediaeval universities in general is, that they were never, in any strict sense of the word, "founded" at all. All the ideas which we associate with the beginning of a great higher school, — the University of Chicago, for example, — the raising of great sums of money, the securing of a corps of professors in the various lines of study, the building of structures appropriate to the purposes of teaching and investigation, the preparation of a complete course of study, to say nothing of skillful presentation to the public of the advantages of the new foundation, all these ideas are wholly out of place when we try to understand the origin of a mediaeval university. To us the term "university" suggests something complete, a school which offers all possible subjects of learning and which, in so far as it fails in this requirement, falls short of the true definition. It suggests also something very high, and we are apt to say of some one of the many institutions of learning which call themselves universities, "this is nothing but a college," meaning that its grade of teaching is largely elementary. Now neither of these ideas fits the mediaeval institution.

The term *universitas* meant nothing more than "all of them," or "all of us," or "all of you." It did not, at first, have even that notion of corporate unity which we connect with the word "corporation," meaning by that a body so far organized that it can act as a unit, and be dealt with by others as a thing having a distinct existence for itself.

The Earliest Forms of Learned Association.

This word "*universitas*" was used quite as often for the whole body of the citizens of a town, or of the members of a guild, as it was for those who made up the body of scholars at a given seat of learning. These persons were teachers and learners who had come together, each for his own purposes, the one set to teach and the other to learn, without organization and without any regular connection of the body of the teachers with the body of the taught. Each scholar sought the teacher from whom he wished to learn and paid him for his instruction. Remnants of this idea still linger as, for instance, in the primitive custom of the "Stuhlgeld" in the German universities to-day. The essence of the mediaeval university, is, therefore, to be found in this idea of free association. It very soon passed out of its disorganized condition and became regulated by more or less strict customs. Such regulation became, of course, necessary as soon as the number of scholars and teachers became great. Living as they did without buildings of their own, either for teaching or living purposes, they were thrown into the community of the city as a class not subject to the ordinary jurisdiction of the place, nor yet provided with any effective jurisdiction of their own. They were an element of difficulty in any mediaeval town, and yet an element which no town would like wholly to lose.

The process of organization was different in different places. Sometimes, as at Bologna, the "universitas" included all scholars and all teachers. Elsewhere, as at Paris, it was the teachers who formed the responsible body. Sometimes a large part of the university authority was in the hands of the so-called "nations," groups of landsmen, into which the whole body of university members was divided. Sometimes the nations were nothing more than convenient groupings for lesser administrative purposes. At some universities there was a single recognized head, — the "rector," usually chosen from among the teachers for a short term. At others the chief executive power was divided among a "college" of elected persons.

Differences in Organizations.

From a very early day we can trace distinct differences of purpose in these higher schools. In some, as for instance, Paris and Oxford, the main purpose was what we should call "general culture." This included, first, the so-called "*quadrivium*," the group of scientific studies, arithmetic, geometry, astronomy and music, which rested upon a previous school study of the "*trivium*," the grammatical studies, grammar, rhetoric and logic. After the regular quadrivium, the one culture study pursued with special zeal during our period was that of dialectics, the art of reasoning about anything. Naturally the things best worth reasoning about were the theological matters we have been considering; and we have once more to remind ourselves that this reasoning was not for the purpose of finding out whether the church doctrines were true, or even whether they were more or less true, but only to confirm their truth by an intellectual process. The great reputation of Paris and Oxford, in their respective countries, drew to them not only young men, but also mere children, who came for the trivial as well as the higher studies, and this probably accounts for the almost incredible reports of the immense numbers of students. In so far as these two schools had a specialty beyond the culture studies,

Specialization of Study.

it was theology. Paris, in fact, became throughout the middle period, and for long after, the recognized authority on all points of theological dispute.

Law Study at Bologna.

At the other great universities more distinct specialization prevailed. At Bologna, for instance, there was a school of law going back, we cannot tell how far, but surely farther than the organization into a university. The law here studied was the ancient Roman code, the only body of law, in fact, which was in shape to be studied. During the whole of the twelfth century we find this study increasing, and drawing to itself much of that youthful energy which until then had been turned to the study of theology. At first this was opposed by the church on the ground that it was a heathenish study, likely to turn men against established institutions, but it was not long before the church recognized its interest here, as it did everywhere else, and made use of this new impulse for its own purposes. The law was also studied elsewhere, as for instance, at Orleans and Montpellier in France, but none of these lesser schools was able to dim the reputation of the Bolognese doctors.

What we have just said of law at Bologna is true also of medicine at Salerno. It is quite possible that the claim of Salerno to be the oldest of the European universities is well-founded. At all events no one knows when the study of medicine began there. It is probably connected with the Arab influence in southern Italy; certainly the Arabs were far in advance of Europeans in the knowledge of physical life. The methods of the school at Salerno were in the last degree unscientific and crude. The knowledge of anatomy and physiology was based, not upon actual observation, but upon the writing of early Greek physicians filtered through Arab tradition. Any knowledge of the working of natural causes had in our period an uncanny flavor and could hardly be separated, in the common mind, from the notion of opposition to the working of the divine plan. Yet the reputation of the school of Salerno persisted and grew so that when Frederic II in 1224 organized the University of Naples, Salerno was left intact as the medical department of that national institution.

University Charters.

The forms of administration and of instruction at the universities seem to have grown up by a natural process through the action of the members themselves; but it early became evident that a higher sanction would be useful, and the universities turned to some power outside of themselves to seek it. The municipal governments within which they were living claimed and exercised more or less of the ordinary rights of police, but they could not be thought of as a source of law. There were two other powers, the state and the papacy, from which such sanction might come, and both were appealed to. We have here one of the most curious cases of that mingling of legal with religious ideas which prevailed throughout our period. The university stood in this respect very much like a monastery. It lay within a state and was therefore primarily subject to its laws; but it had also something of the clerical character, and this bound it, more or less as the case might be, to the interest of the papacy. Every such grant by a pope was a renewed declaration of right and a new opportunity for asserting authority.

First Recognitions of Universities.

The recognition of the universities by the states was generally earlier than that by the church. Salerno received privileges from Robert Guiscard who died in 1085, and from his son Roger before 1100. King Roger II ordered state examinations in medicine in 1137. Naples, a new creation, was organized by Frederic II in 1224. The first formal recognition of Bologna was by the emperor Frederic I in 1158, though it is certain that there was organized teaching of law there long before. Pope Honorius II in 1216 defended the students against attacks of the city magistrates on the basis of long established usages. The university statutes were confirmed by the pope in 1254. Paris received its first distinctive university privileges from Louis VII, who died in 1180; it was recognized in two bulls of Alexander III (died 1181); it was much favored in 1200 by Philip Augustus; and it was on questions of privilege that the tumults of 1229 broke out, which resulted in a permanent crippling of its resources. In England there was, undoubtedly, a collection of higher teachers at Oxford as early as 1130, and at Cambridge, probably, as early as 1200; how much earlier at both places we cannot say, though the tradition of extreme antiquity, say from the days of Alfred, is now entirely rejected. The English universities profited by the overturn in Paris in 1229, and we may certainly date from this time their active corporate life.

The University Freedom.

The preservation of the university freedom was one of the most precious means of saving learning from the control of parties, no matter what, that might wish to turn it to their advantage. The church promoted it, because it saw its profit in so doing. It lent all the weight of its authority to keep learning from being oppressed by city magistrates and petty rulers, asking only that what was taught should not go against its traditions. So long as this harmony between the papal institution and the learning of the world could be maintained, learning was only one more pillar of the Roman structure; but when, at the close of our period, men began to depart from the ruts in which they had been moving and let their thought go on into new fields of inquiry, then these universities became the homes of a new culture, destined to drive the papacy from its advantage. Wiclif, Hus and Luther were, from the

CHAPTER XIV.

THE FEUDAL INSTITUTIONS.

LITERATURE.

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The Essence of Feudalism.

FEUDALISM is an organization of society based upon the absence of a strong controlling power at the centre o the state. Such a central power when it exists may be purely monarchical, or it may, as in a vigorous democracy, have its roots in a wide and deep sense of unity among all the members of the political community. In either of these cases the result will be the same; each individual citizen will feel himself bound primarily by his duty to the central administrative power. He will obey its call to arms, he will bring his quarrels before its courts for arbitration, and he will pay his taxes for its support. In the absence of any such controlling force at the centre of affairs, the individual is released from these obligations and is free to combine with other members of the body politic on such terms as his interest may dictate. His sword is his own; with it he may seek justice for himself, without the formality of courts of law, and as for taxes, since the central power has little to do, it needs little money to do it with; a demand for taxes under these conditions appears to the free citizen like an invasion of his rights.

Feudalism not peculiar to Europe.

We associate the word "feudalism" with the European Middle Ages, but the *thing* has been by no means confined to Europe or to our period. It has taken shape in many places and among many different peoples where the conditions just described have been more or less perfectly realized. For instance in Japan, until within our generation, a system of political orders had for centuries prevailed, which was almost precisely that with which we are now to deal. So [illegible] nedan rule in Africa and Spain, the forms [illegible] narchy could not prevent a similar development. [illegible] we bear these facts in mind we shall have less trouble [illegible] ing ourselves clear as to the sources from which feudalism in Europe was derived. We shall see that its origin is not to be sought for in analogous institutions in Rome or in Germany, but rather [illegible] military and economic conditions under which the newly formed peoples of western Europe found themselves; conditions which then rapidly developed tendencies arising doubtless from a remote inheritance. For our purposes we may fairly assume that the feudal *idea* in Europe has its roots in a natural instinct of the Germanic peoples to live under as little centralized control as possible, an instinct which has given way only at crises when some great national enterprise demanded for the moment the sacrifice of personal freedom for the common good.

Feudal Theory and Feudal System.

During the great migrations in the period preceding ours we see very impressive illustrations of such sacrifice and, as a result, the formation of several Germanic national unities under monarchical forms. Only one of these survived and that not the one in which the monarchical feeling was the strongest. By the time of Charlemagne the feudal *idea* was definitely established and needed only favorable conditions to develop rapidly into the feudal *system*. The idea is a very simple one; the system which grew out of it is one of the most complicated ever developed in human society. So long as Charlemagne lived, the force of his great personality and the enthusiasm aroused by his immense success were enough to keep the centralizing agencies of his government active and effectual. In weaker hands this side of the Frankish policy declined and gave room for political individualism to have its way.

The First Steps — to 814.

Then we begin to see, gaining rapidl a re-organization of society. The freeman, his hands, makes terms with the royal He no longer follows without question his ca arms; he begins to despise the summons court of justice and to resent its de taxes as an affront to his personal dignity. T ones among the free subjects, already in possession of the advantages of wealth and territorial influence, begin to make themselves so many centres of actual power and to attach the lesser freemen to themselves by the hope of action or of defense in war and of reward in peace. The relation between higher and lower freemen is one of personal contract for mutual advantage. Formally it recognizes a still higher duty to the state, but only formally; in practice the allegiance to the state is overshadowed and obscured by the nearer and closer tie of lord and vassal. That is the fundamental distinction of feudalism in its political aspect; it cuts the tie between the government and the citizen, leaving the citizen free to associate himself as he pleases with subordinate and intermediate powers.

Basis of Feudalism a Gift of Land.

By the death of Charlemagne the earlier steps in this transformation of European society had been taken and we have already traced their consequences in the movement of outward politics on a great scale. It now becomes of interest to note more carefully the growth of the feudal institutions themselves. The tie by which the higher freeman bound the lower one to himself was ordinarily a gift of the use of a certain tract of land, together with more or less extensive rights of jurisdiction over the dwellers thereon. By means of this gift he secured the service of the lesser man in war, and as war was the normal condition of things, such service was the most valuable payment he could receive.

Revocable at Will.

Such a gift was originally thought of as depending on the will of the owner and the fidelity of the receiver. If the lord chose he might recall it or, if the "man" failed in his duty, the contract was void, and the land came back to the lord, to be given, if he pleased, to some one else. So long as tenures of this kind were something exceptional and did not form the main support of the vassal class, the looseness of the tie was no great disadvantage. But, as the system grew, and men came to see the value of such holdings, and were putting more and more of their property into them, it was seen that a firmer tenure would be more advantageous. Thus came the granting of land during the life of the tenant. Still this was not enough. The family of the tenant yet remained without claim upon the property and the head of the family could not will it to them if he would. The great uncertainties of a military life emphasized this difficulty and helped, undoubtedly, to bring about the next great step, the inheritance of fiefs.

Fiefs become Hereditary. 877.

The date usually assigned for the formal beginning of inheritance as a right is the year 877, and the occasion was the departure of King Charles the Bald for Italy. By the famous edict of Kiersy,[1] the text of which is fortunately preserved to us in a careful recent copy, Charles undertook to regulate the conditions of property during his absence. The clause here in question provided that, if during this time a vassal, whether of the king himself or of any other lord, should die, leaving heirs or not, his estate should be held unimpaired by the regency until the will of the king should be made known. If the deceased left a son who was with the army in Italy, this son should receive his father's *honores*, *i.e.*, his feudal rights ; if he left a minor son, he too was to be kept in security until he could receive the king's investiture. If there was no heir, an administrator was to be appointed, and he need not take it ill if, on the king's decision, he did not receive the fief of which he had been made guardian. Earlier historians were accustomed to lay all the emphasis here upon the implied promise of the king that he would keep the fiefs in the family of the holder, but it is very clear that the king's own intention was to emphasize equally the royal right in disposing of vacant fiefs. The edict thus illustrates two important phases of feudal development at once.

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[1] Text of the edict of Kiersy as proclaimed on June 14, 877. In *Mon. Germ.*, *Leges*, i, p. 542:

Si comes de i[illegible]o regno obierit, cujus filius nobiscum sit, filius noster cum ceteris fidelibus nostris ordinet de his qui eidem comiti plus familiares ac propinquiores fuerunt, qui cum ministerialibus ipsius comitatus et cum episcopo in cujus parochia fuerit ipse comitatus ipsum comitatum praevideant, usque dum nobis renuntietur, ut filium illius qui nobiscum erit de honoribus illius honoremus.

Si autem filium parvulum habuerit, isdem filius ejus cum ministerialibus ipsius comitatus, et cum episcopo in cujus parochia consistit, eumdem comitatum praevideant, donec obitus praefati comitis ad notitiam perveniat nostram, et ipse filius ejus per nostram concessionem de illius honoribus honoretur.

With this step the outline of the feudal system may be regarded as complete. It remained to fill it in with the new body of social, political and military institutions demanded by so complete a revolution in society.

"Nulle Terre sans Seigneur."

It should be borne in mind that the conversion of lands held in fee simple, *i.e.*, in free ownership ("allodial" lands), into feudal proprietorships went on at a different pace and to varying degrees in different parts of Europe. On the whole it was more rapid and

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Si vero filium non habuerit, filius noster cum ceteris fidelibus nostris ordinet, qui cum ministerialibus ipsius comitatus, et cum episcopo proprio ipsum comitatum praevideat, donec jussio nostra inde fiat. Et pro hoc ille non irascatur qui illum comitatum praeviderit si eumdem comitatum alteri cui nobis placuerit dederimus, quam ille qui eum eatenus praevidit.

Similiter et de vassallis nostris faciendum est. Et volumus atque praecipimus ut tam episcopi quam abbates et comites seu etiam ceteri fideles nostri hoc erga homines suos studeant conservare.

more complete in the Germanic, slower and less complete in the Romanic countries, but at the close of our period it was possible for the maxim "*nulle terre sans seigneur*" to be laid down as a general principle, evidently a very convenient one for the suzerain when vacant lands were in question.

Definition of the Fief.

The fief (*feudum*), technically so-called, was generally a landed estate held by a noble on condition of paying to the owner a kind of service regarded as honorable, primarily, of course, military service; but also including such duties as attendance at the lord's court, his escort on a journey, or his proper entertainment when on a visit. Such a holding was distinguished from various other forms of precarious tenure, and especially from those by which the holder paid to the owner a *census* or money-rent, or performed services regarded as dishonorable, such, for example, as manual labor in the field. It is here that the great social distinctions which mark our whole period take form. The nobleman, high or low, is the holder of a fief; the *roturier* or commoner is the man who owes to the lord the work of his hands, or a money substitute therefor.

The Feudal Contracts applied first to Land.

The basis of every feudal holding was a contract, expressed or implied, between owner and holder. Probably in a majority of cases the beginning of this contract was lost in obscurity; but the existence of a tradition was *prima facie* evidence that it had once been made, and from time to time general examinations of titles (*recognitiones feudorum*) were made by kings or great feudal lords within their own provinces, and the results of such examinations furnished a basis for future claims. It would be safe to say that a very large proportion of all the private wars in our period were caused by this sort of uncertainty as to land-titles, and by the absence of any strong central executive power to give and enforce decisions between claimants.

The great advantage of the feudal relation, and at the same time the source of its greatest confusions, was its flexibility. As this advantage came to be felt, it was used by ambitious princes to extend their control over all kinds of service, not merely over that connected with land. For example, in order to provide for the suitable maintenance of what we call the civil service, in all its stages, from the highest judicial functions down to menial labor, it became customary to let public officials change their offices into fiefs, without any connection with land, the official paying himself with the fees of his office, and holding his place by the same hereditary tenure as the landed vassal. Still further, as with time the demand for soldiers became greater than the landed fiefs could supply, even "money-fiefs" were invented, whereby a prince granted a fixed sum, yearly, to a vassal on condition of due performance of military service. Of course one sees at once that this was nothing more nor less than hiring soldiers at yearly wages, but it is, perhaps, the best illustration we have of how completely the feudal notion of personal obligation had come to be the only effective agency in controlling mediaeval society. If we allow ourselves here to take one step further and suppose, — as was frequently the case, — that the person thus hiring soldiers was the king, we find ourselves at a point where the feudal theory must soon destroy itself. The later mercenary soldier, hired outright for money wages without any feudal formalities, is the chief agent in destroying the whole mediaeval fabric.

Extended from Land to Offices

and to Money Charges.

The question of inheritance of the fief was early determined, but the principle of the inheritance varied greatly with place and time. The all-important point was that the service prescribed in the contract and confirmed by custom should not be diminished. The fief must therefore be kept in a strong hand and must not be divided. From this necessity came two results, primogeniture and the exclusion of females. Whether an equal division among sons was the earlier practice is not clear; at all events, the advantage of keeping the fief together was so great that the pressure was all in that direction, and it generally prevailed. The crown found it far more convenient to deal with one than with a mass of conflicting allegiances, and the extension of the feudal principle to properties other than land offered numerous ways of providing for younger sons no less honorably and often more profitably. The emphasis laid upon the unity of the fief was a preparation for the larger unity of the realm. The exclusion of women from the succession seemed at first inevitable since the primary duties of the feudatory, war and justice, could not be performed by them in person. As the feudal order became better defined, however, these difficulties were overcome, and in the end the daughter of a noble house shared regularly with the sons all privileges of succession excepting that of primogeniture.

The Principle of Inheritance in Fiefs.

It was equally important to the lord, and especially so to the king, that the fief should remain in good hands, and hence he claimed a right to control its alienation, under the form of sale or what not. In fact, in early sales, it is the lord who appears as the vendor, but in time the vassal makes the contract of sale, alleging the consent of the lord and finally, dispensing with this consent, he may make the sale on his own account, but must pay to the lord a fee sometimes known as a *relief* in acknowledgment of his superior rights.

Alienation limited by the Lord's Consent.

The same general principle applies to any diminution of the fief, such, for instance, as the emancipation of a serf, by which a piece of property belonging to the fief was, so far as the lord's interest was

Diminution also limited.

concerned, lost. Here, too, the lord — frequently the king — appears originally as a party to the transaction; it is he who frees the serf of his vassal. Next he demands the right to approve the manumission and to annul it if made without his consent. Finally, he contents himself with a money payment or compensation for the injury to the fief.

Gifts in Mortmain.

By far the most interesting form of diminution is the gift or sale to a religious body — or as the phrase was, *in manum mortuam* (*amortissement*, *mortmain*). These words imply that property given to the church was, in so far, dead to the state, and under the pressure of religious ideas the danger that great masses of land would cease to be profitable parts of the public territory was a very real one. Here the consent of the suzerain was most important and was frequently refused. Sometimes estates were regularly granted subject to the condition that they should not be alienated to the church. But here, too, the chance for a revenue was soon perceived. Lords sold to churches or monasteries the right to acquire lands within the compass of their fiefs. At first such control was exercised only by the immediate suzerain of the person making the gift; but gradually it came to be seen that a diminution of any fief affected every superior lord, even up to the king, and so we find, at the close of our period, the right of *amortissement* claimed as a pure royal privilege, from which only the very highest feudatories were exempt.

The Feudal Nobility.

In its social aspect feudalism presents as its most distinctive feature the clear and sharp distinction between the noble and the commoner. In its early stages this distinction is often obscure, but from the time of the inheritance of fiefs it grows rapidly more marked and becomes, finally, the basis of that grouping of men into hard and fast classes, which is the most decisive element in mediaeval society. Nobility consisted primarily of two distinct qualities: first, the hereditary possession of a landed estate, which carried with it the obligation to the higher forms of service, and second, the fitness for service on horseback, the *chevalerie*. In the second case, as in the first, the qualification was originally one of property, and implied the ability to furnish the very expensive equipment necessary to the duty of the cavalier. The combination of this idea with that of landed property and of "good" birth secured in the service of the lord an élite corps of fighting men, and naturally, in a semi-barbaric society, this select group and their families formed the highest aristocracy and the dominant force in society. The qualification of birth tended to harden this aristocracy into a *class*, in the strictest sense of that term, and it was only with difficulty that its barriers could be passed. One way was that a *roturier* acquired, through purchase or otherwise, a *terra nobilis*, *i.e.*, an estate to which the quality of nobility was attached; another way was that a king or great noble granted to a commoner a patent of nobility, thereby conferring on land in his possession the noble quality, which then passed to his children. It is evident that such creation of new nobles would be a welcome means of attaching persons to the interests of the crown, but during our period it was seldom, if ever, resorted to; in fact, it marks the time when the institutions of royalty were beginning to prevail over those of feudalism proper.

Ennoblement.

Nobility through Females.

The noble quality passed originally only in the male line, but later, in conformity with the same tendency we have noticed in connection with the inheritance of fiefs, the noblewoman could convey nobility to her descendants by union even with a *roturier*.

With the second element of nobility, the *chevalerie*, we come to the most picturesque aspect of mediaeval society. The burdensome duty of following a lord at one's own expense became, as the feudal order settled into form and the resources of the aristocracy increased with improved agriculture, the highest honor and dignity of the feudal gentleman. Mounted on his horse, which like himself was encased in an impenetrable armor, he was more than a match for a score of unarmed and unarmored commoners. Combined with others of his class he could terrorize a great extent of country and hold, perhaps, hundreds or even thousands of dependents in obedience. Of course if his administration of his estate was cruel or unjust beyond endurance, means of final redress were not wanting; but in ordinary conditions the balance of duties and obligations on one side and the other held in equilibrium a social order which at first sight appears to us wanting in every element of stability.

Chevalerie.

The relation of the vassal to the lord included the two elements of the *homagium* and the *fidelitas*, ideas nearly related but quite independent in their history. The *fidelitas* applied not only to the vassal but to all the free inhabitants of his estates; all were *fideles*, but only the sworn feudal subject was the *homo*. The act of homage was simple but impressive. The man sought the lord in person, was received by him with some formality, knelt before him, laid his hands in those of the lord and declared himself to be his "man" for such and such a fief. Then the lord raised him from the ground and gave him the kiss of peace upon his lips. After this came the oath of fidelity, taken upon the Gospels or upon the relics of saints.

Homagium and Fidelitas.

The obligations assumed by the oaths of homage and fidelity varied greatly with the customs of the country and the circumstances of the special contract. Without going into these distinctions we may group the feudal duties under the three headings, military, civil and financial. Most important

Feudal Obligations of the Vassal.

were, naturally, the military. The vassal bound himself, not merely in a general way, to serve his lord in war when called upon, but specifically to present himself with a given number of followers of such and such condition and to serve for a definite time annually at his own expense. This time was usually forty days. At its expiration the vassal was no longer bound to gratuitous service. If he consented to remain in the field it must be at the expense of the lord. As our period draws towards its close, we notice an increasing tendency to convert the service of duty into a money payment, with which the lord was able to hire soldiers at his discretion and, if need were, to use them against the very dangerous subjects from whom he drew his revenue. Besides direct service in the field the vassal was bound to hold his castles wholly at the service of the lord, who might at any moment, upon due summons, occupy them for a military purpose, but was bound, on his part, to return them in the same condition in which he received them. In fact the suzerain retained a right to general control over all the fortresses of his vassals. They could neither build new nor demolish old ones without his permission. The fortress of the vassal was thought of not as real estate, going with the land, but as an implement of war over which the suzerain must keep an especial control. Not only this; the vassal was bound upon demand to guard the castle of his lord during his absence or under stress of any other peculiar need.

1. Military.

In accordance with ancient Germanic precedent, continued with great care during the Carolingian time, no act of importance could be undertaken by any prince, royal or other, without consulting the powers through whom it must be carried out. Hence came the right and the duty of the vassal to sit with his lord in judgment or in council. No

2. Civil Obligations, especially as to Jurisdiction.

prince exercised alone judicial functions in the strict sense of the word. He only presided over a court, in which the actual judgment was found by a bench of lower persons, the peers (*pares*) of him who sought justice before them. Precious as this right of *placitum* was, it early became a somewhat burdensome one, and we have abundant evidence that vassals sought in many ways to evade this as they did also the equally precious and honorable duty of military service. Limitations upon the right of the lord to summon them to judicial service begin to grow frequent; usually the vassal was bound to attend court only three times a year, at Christmas, Easter and Pentecost, and even these times were evaded, if possible. So important was this service held to be that its refusal carried with it, in theory, the loss of the fief. On the other hand, it cannot escape observation that an ambitious suzerain, by encouraging evasion of court duty might, with comparative ease, concentrate the whole administration of justice in the hands of a narrow group of personal followers and thus overturn the whole principle of mediaeval justice, while maintaining its outward forms. This was really what took place in some great fiefs, though in theory a refusal on the part of the suzerain to call the court according to the customs of the land made him liable to loss of his suzerainty.

3. Financial Obligations.

In theory the duty of the noble vassal towards his lord was a purely personal one and to commute it for a money payment was a degradation of the whole feudal relation. The payment of money, especially if it were a fixed and regular payment, carried with it a certain ignoble idea against which, in the form of state taxation, the feudal spirit rebelled to the last. When the vassal agreed to pay something to his lord, he called it, not a tax, but an "aid" (*auxilium*), and made it generally payable, not regularly, like the tax-bill of the citizen, but only upon certain occasions — a present, as it were, coming out of his good-will and not from compulsion; *e.g.*, whenever a fief was newly granted, when it changed its lord, and sometimes when it changed its vassal, it was from the beginning customary to acknowledge the investiture by a small gift to the lord, primarily as a symbol of the grant; then, as the institution grew and manners became more luxurious, the gift increased in value and was thought of as an actual price for the investiture, until finally, at the close of our period, it suffered the fate of all similar contributions and was changed into a definite money payment, still retaining, however, its early name of "relief." The amount varied immensely according to the size of the fief but was in any case a very considerable burden, and was sometimes equal to a year's revenue of the estate. In the case of alienations, whether by way of sale, manumission, or *amortissement*, the vassal paid a compensation varying from a small percentage on the value of the alienated property to several years' income from it, if it were in land.

"Aids."

The occasions for levying the aids were various but always, in theory, of an exceptional sort. The journey of a lord to the court of his suzerain, or to Rome, or to join a crusade, the knighting of his eldest son, the marriage of his eldest daughter and his ransom from imprisonment are among the most frequent of the feudal 'aids.' The right of the lord to be entertained and provisioned, together with all his following, was one of the most burdensome and, at the same time, most difficult to regulate. Its conversion into a money-tax was, perhaps for this reason, earlier than that of many other of the feudal contributions.

Droit de Gîte.

The history of feudalism is that of a constant struggle between the rights of the lord and those of the vassal, the balance being steadily maintained by the fact that, as the system grew more complete, every lord, except the highest, was also a vassal, and every vassal, except the lowest, was also a lord. Indeed, the king himself might well, for certain lands, be a vassal of one of his own vassals, and a simple knight might have seignorial rights over one of his own lords. Had it not been for this interlocking of interests society would have resolved itself into a class of lords over against a class of vassals. Indications of such a danger are to be found in the conflict of rights on certain definite points, *e.g.*, in case of the minority of a vassal, it was plainly against the interest of the lord to lose the service of the fief, and hence, in the early stages of feudalism, we find frequent cases of the exercise of what was known as the right of guardianship, *i.e.*, the administration of the fief and the enjoyment of its revenues by the lord during the minority. On the other hand, it was plainly the interest of the vassal's family to tide over this interval, and thus to keep the revenues in their hands. To do this they must in some way meet the obligations resting on the fief, and thus grew up the custom of guardianship by the tenant family as a whole, as against the guardianship of the lord. The same conflict and a similar solution took place in regard to prolonged absences of the vassal as, for example, on a pilgrimage or a crusade.

The Balance of Class Interests.

The Right of Guardianship.

Another illustration is the right of the seignior to confiscate the fief in default of legitimate heirs. Who were heirs? The early tendency was for the lord to exercise this right as strictly as possible, and to take back his fief if a direct legitimate descendant were not in sight. On the other hand, the interest of the vassal family demanded that the circle of inheritance should be as wide as possible; and thus we see the side branches

Right of Escheat.

more and more generally admitted to the succession. Ordinarily, of course, this family interest was not really opposed to that of the lord; so long as the service was duly rendered there was no visible reason for a change of tenant. Still, the widening of the right of inheritance was a limitation upon his freedom of action and might often stand in the way of his placing a relative or friend where he would do the most good.

Forfeiture or Confiscation for Cause.

Still more striking is the progress of ideas in regard to confiscation for cause. In theory the violation of the contract by the vassal brought with it a total release of the obligations of the lord. Such violation might be: a refusal of homage; refusal of military service or the use of a fortress; violation of common or express laws of the lordship; open war or resistance against the lord. In any one of these cases the vassal, on due summons and after sentence by the lord's court, might be ousted from his fief, which would then, naturally, be given to another holder. Such confiscations, frequent in the early records, become less and less so as time goes on, until finally the delinquent vassal was simply suspended for a time from the enjoyment of the fief, or was even allowed to commute his offense by the payment of a fine. Only in extraordinary cases, and those usually such as involved an element of politics, do we find the extreme sentence of deposition carried out. An example would be the deprivation of Henry the Lion through sentence of the court of Frederic Barbarossa.

In all these cases we see the same principle, the growing power of the feudal idea and an increasing sense of fixedness in all its details as compared with the looseness of the tie in its early stages. On the other hand, we cannot fail to notice also a growing sense of the right of the vassal to his property, and thus a preparation for the great reaction of the modern period against the whole feudal theory.

We have thus far emphasized especially the obligations of the vassal; those of the seignior were no less definite and binding. The duties of the vassal may be summed up in the one word "service," those of the lord in the one word "protection." The chief duties of the lord were to protect his vassal against enemies, to grant him full justice before the law, and to abstain from any form of violence against him or against the members, especially the female members, of his house. Denial of any of these obligations gave the vassal the right to demand justice of the lord's suzerain and to withdraw his allegiance until justice should be done. The seignior is bound further not to divert to himself the allegiance of the sub-vassal, not to build fortresses on the land of his vassal, not arbitrarily to increase the burdens of taxation, expecially by new (*inauditae*) demands, and not to alienate the fief to the disadvantage of its holder.

Feudal Obligations of the Lord.

As a result of these mutual rights and obligations feudal society was able to hold itself together; — but barely this. We must again remind ourselves that these forms of law and order covered over but thinly the actual barbarism of the mediaeval world. The one thing really effective and valuable to the mediaeval mind was personal strength and courage. The exercise of this virtue was, normally, always in order. The strong man was always in the right. Religion adapted itself to this primary need of man, and declared that victory in battle or in single combat was the judgment of God. Legal forms were invented to limit and regulate the action of the individual fighter, but the fundamental right to seek reparation for his wrongs was not questioned.

Inadequacy of the Feudal Relation.

Only by balancing these two things, the set of institutions we have just been examining and the almost universal approval of private warfare, can we at all comprehend the movement of mediaeval life. In their practical working the feudal institutions were constantly thrown out of gear by the prevailing lack of respect for all law but that of the sword; *e.g.*, the oppressed vassal had the undeniable right to seek for justice at the court of the suzerain to whom his lord was responsible, but in practice such an appeal was generally impossible. It involved the vassal in a long and expensive journey, during which his family and his goods were exposed to the vengeance of his enemy. It obliged the overlord to bring an action against a vassal with whom he, personally, was probably well contented. Success in his suit would certainly bring upon the sub-vassal a deadly feud with his lord and all his house. How much simpler to make common cause with other similarly oppressed vassals and fight it out like men! All society — except a few shaven pates — would applaud, and God would know his own.

Difficulty of Gaining Justice.

The same difficulty appears if we test any one of the limitations we have been considering. The lord must not try to gain over the vassals of his vassal to his own direct allegiance; yet, during our whole period, there is in France a steady drift in this direction, tending to the formation of direct ties between the lesser nobility and the great territorial lords and so, ultimately, helping to consolidate the royal power. The vassal may not, legally, renounce his allegiance to one lord and carry it over to another; yet nothing is commoner than such a transfer. Especially was this the case in border countries as, for instance, in Alsace and Lorraine where one can never, for any great length of time, be sure of finding the land subject either to France or to Germany. In the inventories of fiefs in France, it is not unusual to find a record "suzerain unknown."

Immediatization.

The effort of all well-meaning rulers was, not to overturn the feudal arrangements, but to ascertain them. Such was the purpose, for instance, of the codifications of customary law known in France as *coutumes* and in Germany as *Spiegel*, which were made in the latter part of the twelfth and the early part of the thirteenth centuries. The most famous in France is perhaps the custom of Beauvais by a jurist named Beaumanoir, and in Germany the Sachsenspiegel (Mirror of Saxony) a glass indeed, wherein we may read the law feudal and otherwise, as it was in North Germany at the time (about 1220). These codifications were not, be it understood, legislation or law-making; they did not even proceed from any public authority, but were only manuals of the law *as it was*, made by men of law for the information of magistrates whose business it was to find the verdict in the regular practice of the courts.

Codifications of Feudal Law.

In the second stage of the feudal hierarchy, far more than in the highest, we find real centres of administrative power. Two names come to be here distinctive, the duke and the count. If we look at the history of these titles we find that they represent two very distinct traditions. The duke (*dux*, *Herzog*) was primarily a military leader and thus, naturally, the head of a race or of a region, bound to its members or its inhabitants by the same tie of allegiance which later forms the principle of nationality. The count (*comes*, *Graf*), on the other hand, was primarily the official of a higher power. His relation to the people and to the region he governed was a purely administrative one and did not, at first, identify him with the interests of his subjects. The best illustrations of the ducal idea are the great stem rulers of Germany and, in France, the powerful lords of Normandy in the north and of Aquitaine in the

The Great Feudatories.

The Duke.

The Count.

south. In all these regions the derivation of power from the district itself, independently of any commission from any superior authority, is perfectly clear.

Identification of the Two.

As regards the great counties as, *e.g.*, Champagne, Toulouse, Anjou, the derivation of power may generally be traced to some more or less well-defined grant from above, and the use of the word "count" was a reminder of the Carolingian institution. But, in the course of our period, this distinction had to all intents and purposes disappeared. The great counts were precisely the same in all respects as the dukes. They often changed their title for the more high-sounding one, but in many other cases the name "count" was retained without any sense of inferiority. The only permanent distinction was that a duke was always a high personality; a count might be one of the very highest or one of the lowest members in the feudal scale.

The Great Territorial Lords.

The group of great territorial lords formed in every continental country during the feudal period the real centres of power. They exercised in their fullest extent the regalian rights, *i.e.*, the military, the high judicial, and the financial. They guarded jealously the integrity of their territory by insisting upon its inheritance through one male heir, especially by the principle of primogeniture, and by associating the heir presumptive with the head of the house during his life. They were the most active defenders of the seigniorial rights we have enumerated and the most clever and unscrupulous in taking advantage of all the numerous opportunities of aggrandizement at the expense of their inferiors. They spared no occasion for putting on a splendor of ceremonial equal to that of the king, as, for instance, in their coronation and consecration. In general we may say that the tendency was in France to concentrate

Difference in France and Germany.

power in these few hands and thus to prepare the way for the further concentration in the royal hand ; in Germany to let the great nobility get so much power, and no more, as was consistent with the rights of an ever-increasing mass of lower nobility which served as a constant defense against a too active monarchy.

The Seigniorial Administration.

The great feudatory was surrounded, like the king, by all the machinery of a complicated administration. He had his private circle of officials, usually four in number, the steward, the chamberlain, the cup-bearer, and the marshal or constable, plainly the outgrowth of menial servants, elevated, by the very familiarity of their service, into a close intimacy with the master. A fifth great office, that of chancellor, was usually held by a clergyman, who often became the representative of the suzerain for all business purposes. The power of the lord was enforced in the various parts of his dominion by local officials under various names, provosts, bailiffs, vicars or what not. The effort of such officials was constantly to make themselves independent of the suzerain, while his interest was to prevent them from becoming hereditary holders of their functions.

Seigniorial Finances.

The revenues of the lord were also, like those of the king, extremely uncertain, depending first upon the product of his *domain* or private estate and then upon the feudal incidents above noted. Money was coined by all seigniors who had the regalian rights, and there was no practical limit to the opportunity of making profit by false coinage and by sudden changes of value. A common standard did not exist ; but certain coinages in one and another country came to be regarded with favor as of especial fineness and steadiness. Of course financial operations of any kind were impracticable under these circumstances, and it is only when the Italian cities came to realize and to illustrate the value of credit and exchange that any advance in European commerce or any regularity in the public finances became possible.

Ecclesiastical Rights of the Crown.

In Germany.

The rights of the great nobility over the churches in their territory were markedly different in Germany and in France. We recall the compromise of Henry I of Germany with Arnulf of Bavaria, by which the latter secured to himself the right to appoint the Bavarian bishops. This privilege, however, was not maintained by the German princes. It early became the prerogative of the crown, and this explains why the brunt of the Investiture conflict fell upon the German king. His right to appoint bishops and abbots throughout the kingdom was, until the time of Hildebrand, practically unquestioned, and even long after the Concordat of Worms (1122.) we find him reasserting it whenever he saw his chance. What the king lost in this respect was gained, not by the great lords, but by the papacy.

In France before Gregory VII.

In France, down to the Hildebrandine reforms, the appointment of the higher clergy was one of the most frequent privileges of the seigniorial class. The religious houses, episcopal or monastic, within a great feudal territory were directly subject to its lord. Their property was bound to pay its due revenue for his support, and their subjects were liable to military duty at his call. The great ecclesiastical places, bishoprics and abbacies, were given by him to trusty partisans or, even, — to such an extent had the seigniorial claims advanced,—were not infrequently taken by the lord himself. Such usurpation of bishoprics by laymen, never very common, soon gave way to the less shocking, but equally profitable, custom of educating a younger son for the church and putting him into the family bishopric. The feeling of restraint was less strong in regard to monasteries, and it was nothing unusual in France to find a lay lord regularly acting as abbot of several monasteries at once, without even a pretense of sharing in any way the clerical character. Such holders (*defensores; abbates laici*, *milites*, *saeculares*, *irreligiosi*,) frequently deputed the actual administration of the religious affairs to a dean (*decanus* or *abbas legitimus*, *monasticus*, *regularis*), they themselves retaining control over all the military and financial obligations of the foundation.

Effect of the Gregorian Reforms.

It was against this secularization of religious institutions that the great reform of Cluny was directed. So long as the reforming party fought with exhortations alone, its success was but moderate. When it had gained to its side the great influence of the Hildebrandine papacy, its progress was more rapid. It succeeded in breaking up the lay-investiture of bishops, at least so far as this concerned the spiritual functions; in enforcing the canonical election, and in freeing the bishop from the oath of homage to the lord. The gain to the monastic clergy, though less complete, was yet considerable. The lay-abbacy either entirely disappears or covers itself with some decent show of legitimacy. A quickened conscience in religious matters really influences more or less the relation of the great barons to the clerical foundations within their limits.

The Lesser Nobility.

The great provincial lords, aiming to concentrate all power in their own hands, were able to do this only by means of the feudal process, *i.e.*, they gained power by seeming to part with it. To secure their military following they granted great parts of their landed property, together with many of the seigniorial rights, to a variety of lesser nobles. Of these, the type is the French *castellanus;* not the mere keeper of a castle, as the name later implied, but the free holder of a fortified place together with

The Castellanus.

a considerable extent of territory and a greater or less proportion of the seigniorial or regalian rights. Such a fortress might be in a city or at a point of vantage in an open country. The holder is the typical feudal gentleman, noble by virtue of his hereditary land-holding and his military profession, aiming always to enlarge the circle of his lands and his prerogatives. In doing this he was constantly tempted to encroach upon the rights of those still below him, and to stretch his claims as regarded those above him. These struggles are the source of the chief movements within mediaeval society. The *castellanus* is probably a direct development from an official appointed by the Carolingian count to take charge of a district under his superior control.

The Viscount.

The same origin is probably to be assigned to the "viscount" (*vicecomes*), whose function, originally in fact, and always in theory, a deputed or representative one, became, by means of the feudal process, as independent as any other. The holder was not *vice*-anybody, but was a noble by the usual definition, and took his title from the land he held by the usual feudal hereditary tenure.

The Vicedominus.

A precisely similar character is that of two other feudal officials who represent the two kinds of clerical landholders. The agent of the bishop in temporal matters is the *vicedominus* (*vidame*), that of the monastery is the *advocatus* (*avoué*, *Vogt*). The *vidame* was originally a clergyman, selected from the chapter to represent the bishop in business matters, and even taking his place if need were. As the temporal interests of the bishopric widened, it became important that they should be in the hands of some one who could uphold them in the fashion of the time. The bishop then gave them in charge to a layman and paid him in the feudal way by making him lord of a piece of land, which, of course, became hereditary in the family of the vidame, and thus gave him, if he did not already have it, the noble character.

The Advocatus.

The *advocatus* was, as his name implied, "one called in" to do for the monastery what no member of the house could do for it — to collect its revenues, fight its battles and preside over its temporal courts. He, too, got his pay out of the monastery property, and so tempting was the chance for pickings and stealings that we find the very highest lords exercising the advocateship, and for as many monasteries as possible. Generally, however, the advocate was a petty noble, who lived by the profits of his office and got on in the world by plucking the unprotected monks committed to his care. A great monastery might have as many *advocati* as it had domains large enough to pay for their service. Probably no form of oppression was more burdensome to the mediaeval monastery than precisely this, and the fact that the monastic institutions grew constantly richer and more powerful, only shows the immense margin of profit with which its business was carried on.

Many other forms of the lower feudal officials might be enumerated, but these suffice to show the leading types under which all would fall. If now we take this vast group of petty seigniories together, and set them over against the great provincial lords, we see clearly the elements of the feudal struggle, and can discern how, gradually, the powers of resistance of the feebler must have worn themselves out and made it comparatively easy for the stronger to consolidate their force. Above both parties struggled and schemed the royal power opposing or conforming as it might, and coming, in the different countries, to the results we have above considered.

From our modern point of view feudalism, even in its best regulated form, must appear to be little more than an organized anarchy. It recognized a principle, that of self-help, which must inevitably destroy it, and it is through a gradual gaining upon this destructive principle that feudalism emerges into the system of modern European statehood. In this process three agencies were especially active and effectual — one the growth of a monarchical power as in England and France, another the development of strong territorial lordships, either about local family interests as in Germany or about cities as in Italy, and a third the strengthening of a sense of public security on religious grounds, as shown in all countries by the efforts of the church to put a stop to private warfare. The first two of these agencies may together be described as aiming to bring about the "Landfrieden," *i.e.*, the public peace on a basis of physical authority sufficient to support it. The third represents the working of the "Gottesfrieden," or the public peace on the basis of an agreement among those most inclined to violate it, the motive to such an agreement being a moral or religious one, and quite independent of any action of the governing powers. The wider politics of the Middle Ages were largely determined by the working of these opposing tendencies, on the one hand to maintain and carry still further the feudal organization of anarchy; on the other, to overcome this and to put in its place compact and well-recognized executive powers standing in immediate relation to every subject.

Forces Hostile to Feudalism.

"Landfrieden" and "Gottesfrieden."

The feudal king seems at first sight to be the least effectual of sovereigns, and in fact he was, quite as much as emperor or pope, a political theory rather than a political force. At the height of the system, say during the twelfth century, a king was only *primus inter pares* and, in actual command of resources, was

The Feudal King.

often far inferior to many a vassal. Allegiance to him was not essentially different from that which was due to any other feudal suzerain. His control over his after-vassals was no more effective than that of any other great prince over his. In theory his rights were preserved whenever a feudal obligation was entered into by any of his subordinates, but in practice the enforcement of these rights was dependent upon the good-will of the very class by whom they were endangered.

Development of the Monarchy.

As a rule, the only resources of the feudal king were the revenues of his own private property and the allegiance of those who held directly of him fiefs which were not of political importance. In other words, his royal character did not increase his actual power. The great feudatories, bound to him by the nearest and most solemn ties, were precisely those upon whom he could least count. Hence, more than any other suzerain, the king was tempted to undermine the control of the great lords over their vassals and to draw the allegiance of these latter to himself. We find here the most striking illustrations of the difference in the political development of France and of Germany. Down to the close of the tenth century there is little distinction between the course of affairs in the two countries. In each we find a great territorial nobility settling itself into well-defined boundary-lines and setting up one after another a series of kings from different leading houses. Between these kings and the great territorial lords there is a continual friction, caused by the gradual strengthening of the feudal arrangements on the one side and the effort to maintain earlier royal traditions on the other. From the accession of Hugh Capet divergent tendencies make themselves felt. In France the monarchy remains henceforth in the hands of one family centred in one territory and carrying on from

In France.

generation to generation a fairly continuous policy. In Germany the monarchy never has a territorial basis and never remains long in the hands of any one house.

The Monarchy identified with Feudalism.

The more strict development of the feudal system in France carries the monarchy along with it as the necessary summit of the whole structure. The right of the lord over his vassal seemed in some way to be confirmed and strengthened by the formal acknowledgment of the supreme right of the king and the danger of a too strict execution of this royal right was not imminent. Thus, carried along by a set of institutions in reality hostile to it, the French monarchy advances by taking advantage of all the numerous opportunities offered by these institutions to break the force of all ties except those which bind men to itself. It accepts frankly the anomalous position of a feudal monarchy, but seeks to make the feudal relation profitable to itself.

In Germany.

The Monarchy opposed to Feudalism.

The same effort to strengthen the monarchy goes on in Germany, but by a different process. There the mere feudal character of the kingdom is never quite so clear. The German king never quite lost the character of the ancient *Heerführer*, whose function was primarily military and only in a subordinate sense political. Thus, while he was from the beginning recognized as head of what state there was, he could seldom enforce his authority excepting at the sword's point. No single family ever held the power long enough to carry out any traditional policy of aggrandizement, and every attempt to do so was met by one or another combination of local interests. The possession of the imperial title seemed to add an especial dignity to the German king; but it is plain that the basis of the imperial theory was directly opposed to all feudal notions. Here was a divine right quite independent of personal contract, and its identification with the German monarchy called out naturally all those forms of individual resistance which were a part of the very essence of feudalism. The real monarchy in Germany stopped short of the nominal kingdom and entrenched itself in the numerous local centres, whose conflicts with the central power we have been studying. By the middle of the thirteenth century it had become a settled thing that Germany was to be a group of petty monarchies, held together not so much by common subjection to a nominal emperor as by a federative sense of mutual advantage and by an ever-increasing feeling of common nationality.

In Italy no Monarchy.

Feudalism overcome by City Life.

In Italy, also, the feudal principle had never come to a harmonious and complete development. After all, the fundamental instincts of the Italian people were rather Roman than German. The prevalence of municipal and industrial over rural and agricultural life gave a turn to Italian politics which, while unfavorable to monarchical, was even more so to feudal ideas. The eager and jealous city populations were utterly unsuited to any regulation of their dealings with each other or with their subject territories by terms of mutual compact. They proposed to own their lands and to acknowledge no superior but an emperor, whose claims, the moment these became too pressing, they trusted to be able to dispose of without disadvantage. The history of the Lombard communes for a hundred years before 1183 is the sufficient illustration of how well this great democratic policy was carried out. The result was that in Italy as in Germany the feudal period in passing away left a group of territories to divide among them the sovereignty of the peninsula. Only that in Italy even the very slender ties of a common subjection to the emperor and a sense of federative union for mutual advantage were henceforth entirely wanting. The only tie binding Italians to each other was a growing consciousness of national unity, and even this was to require more than six hundred years after the close of our period to convert it into a lasting political bond.

Conservative Forces of Feudalism.

It is a source of continual wonder that a society so loosely constructed could have held together at all. Its centrifugal forces seem vastly superior to the forces of cohesion. One of its saving elements, the balancing of rights and duties, we have already noticed. Another was a keen sense of personal honor. The word "chivalry," originally denoting the superior form of military service rendered by the gentleman, came with time to include all the other attributes which that word connotes. The personality of the feudal relation tended to emphasize the idea of personal honor. Fealty to an individual served, under mediaeval conditions, to call out all that sentiment of loyalty which in a more highly organized society may gather about the more abstract idea of the nation. Chivalry, with its singular combinations of brutal violence and inviolate honor, of passionate resentment and tenderness for the weak, of reckless daring and religious humility, is the natural outcome of feudalism. It rises with it, takes an immense impulse during the period of the crusades, and then gives way with it before the assault of the modern spirit. The two most striking elements of chivalry are this keen sense of personal honor and a regard for woman so extreme and fantastic in its later forms that one feels sure that there must have been a very substantial basis of real sentiment beneath. Probably the perfect knight was as rare a creature as the perfect gentleman in this or in any age, but such an ideal was, doubtless, a strong conservative agency of the kind which, after all, is the saving thing in any social order. The

Chivalry.

conception of woman, in the abstract, as a sacred trust in the midst of a society built upon the idea of violence as its very foundation-stone, must have gone far to redeem that society from barbarism.

The Religious Sense.

Another restraining force was the deep religiousness of the mediaeval character. The knight, border ruffian, wild marauder, plunderer of churches though he might be, was still, underneath all, a religious man, — that is, he was liable to sudden gusts of passionate self-accusation, for which religion alone could console. We have abundant illustration that many a man who might easily have broken through all the restraints of constitutional forms was held down to a life of comparative decency by a sense, however fitful in its expression, of religious obligation.

CHAPTER XV.

THE ORGANIZATION OF THE MIDDLE AND LOWER CLASSES.

LITERATURE.

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IN studying the history of the Lombard communes in their great political development in the twelfth century, we have seen something of an aspect of mediaeval life quite apart from the prevailing feudal institutions. The communes, whether of Italy or of France, are an outgrowth of elements in society which were, by their very nature, excluded from the feudal compact. As we watch feudalism working out its peculiar views of social obligation and drawing into its complicated net-work all the dominant classes of the European population, we are apt to overlook the homely fact that all this great upper stratum of the social order had to be fed and clothed by the ignoble labor of an immensely larger body of servile or free workers. During the earlier part of our period these lower laboring and trading classes are hardly mentioned in the records of the time, excepting where they are enumerated as so many pieces of property in the inventories of great estates. They have few or no rights, only obligations. They do not count among the factors of political, military or social movements. Those of them who live an agricultural life continue, during the whole middle period, in this dependent and insignificant position. Those who gather into cities, originally quite as little equipped with the weapons of citizenship, come gradually to a sense of their right to exist politically and they enforce this right by what now seems to us the most natural process in the world, by joining hands in a common effort. At first despised and neglected by the feudal organization, they gradually command its respect and finally come to terms with it, or even, in some cases, enter into it in their corporate capacity.

Importance of the Laboring Population gradually appreciated.

In a former chapter we considered the various component parts of the feudal machinery, and showed how it developed the agencies of its own destruction and finally played into the hands of the very powers which had all along been hostile to it. We now come to deal with the great popular institutions and their final embodiment in political forms. The starting-point must be the distinction between noble and ignoble service. We have already negatively defined the latter in defining the former. As noble service was that of the person in arms and on horseback, so ignoble service was every other form of return for the protection afforded by the lord of the land. And as, primarily, noble service was that of the unpaid soldier, so primarily, ignoble service was that of the laborer in the soil. In both cases there came to be great variations upon this primary notion. Feudal life was mainly agricultural, and hence the field laborer becomes the typical person of the lower orders, as the man in armor and on horseback is typical of the higher. The artisan is proportionately of as much less consequence, as the arts of living were less perfectly cultivated than those occupations by which life was merely sustained.

Noble and Ignoble Service.

The Germanic invasion, while it was, probably, far less destructive to city-life than has been supposed, did unquestionably tend to give an increased relative importance to the cultivation of the soil. The newcomers were not ready to demand the refinements of industrial production, indifferent to this as to every other form of art. The new societies of France, Germany and Italy were primarily interested in gaining and developing landed property, and made of it the basis of social distinction on the one hand and social ignominy on the other. The lord who owned the land and the serf who tilled it stand at the two extremities of the social and political scale.

Relative Importance of Agricultural Labor.

Of actual slavery we have here little need to speak. It had come down from both Roman and ancient German times, diminishing in extent and severity during the Frankish period, recognized in the Carolingian, but from the ninth century on so generally condemned that it had henceforth only a sporadic existence.

Slavery.

In the sense we now give to the word it meant a person absolutely the property of the master, who might deal with him as with any other property. The nearest approach to this form of slavery common in the Middle Ages was unfree domestic service, where the master's rights were so little checked that practically the serf was hardly better off than the slave. The principal form of actual slavery was that resulting from capture in war, especially when the captive was of foreign blood. The influence of a gradual softening of manners, and an adoption, at least in theory, of Christian standards, undoubtedly brought about this advance in consideration for human life and human rights.

Slaves gradually merged into Serfs.

The serf, of whatever condition, is known generally as *servus*, *ancilla*, *homo* or *femina de corpore*. The group of serfs belonging to an estate is called the *familia*. The element of servitude consists in the fact that while the serf cannot be sold he cannot, on the other hand, leave the estate to which he belongs. He is fixed to the soil and passes with it from one to another owner. Yet he is not one of a herd of laborers, driven to his daily toil by an overseer. He lives upon a specified bit of land, and pays for this an annual rent (*census*) to the lord. This rent, though estimated in money, was usually paid in the form of a large percentage of the crop, and what remained over was nominally the property of the serf. The form of agriculture, it will be remembered, was regularly what we should call "small farming," a method suited to the conditions of a scanty population and a limited demand. If the serf deserted his land, he might be brought back by force, or, if he could not be found, the land reverted to the owner. The right of inheritance, even by collaterals, gradually made its way here as in all other relations of life.

Servile Marriage limited.

As the serf, man or woman, formed a valuable part of the estate, it was the owner's interest to keep him or her in good working order, and prevent any diminution or loss of service. Next to escape, the chief source of loss was by one or another incident of marriage. In the earliest times no regular marriage of serfs was recognized, and their children could hence claim no rights of legitimacy. Thanks to the church, here as so often elsewhere a democratic institution, such marriage became legal from the middle of the twelfth century, and we have to connect this fact with the right of inheritance of servile lands. Very curious complications arose when the serf of one lord married the serf of another. Plainly, if the woman lived with her husband her service was lost to her lord, and if her children also went with her, the loss was still greater. We find a great variety of solutions of these difficulties. Sometimes the injured lord seeks money compensation from the other, or he waits until a future marriage in the opposite direction shall restore the balance. Usually the children are divided between the two estates according to some system agreed upon.

Incapacity before the Law.

The serf was, ordinarily, incapable of judicial service, either as judge or witness. This incapacity was the result of his inability to fight, since only the man of arms was regarded as capable of interpreting the will of God as manifested in judicial decisions. Naturally the serf was excluded from the judicial combat.

Oppressive Taxation.

The chief source of oppression of the servile class, the cause of their frequent outbreaks, and in this way often the means of their escape from servitude, was the burden of taxation, both regular and occasional, under which they lived. This above all else was the brand of the servile condition. The regular tax was an annual levy per head (*capitagium*, *capitale*, *census capitis*), and the person thus conditioned was called *homo de capite*, or *capitalis*. In France the ordinary poll-tax was four *deniers*. We have little account of any discontent with such regular and moderate impositions; but far otherwise with the arbitrary right of the *taille*. In its extreme form this gave to the owner the right to demand money of the serf whenever he chose, and we have some indications that it was originally so understood; but of course in this sense it simply annihilated all right of the serf to the free disposition of his savings, and thus led by its very extravagance to fixed limitations. From stage to stage the impositions become less rigorous and more regular, and thus, on the whole, the condition of the servile peasantry grows more endurable.

Serfs of the King and the Church.

In this process of humane development the monarchy and the church were distinctly the leading agents. Serfdom on the royal and ecclesiastical estates was regularly a milder and less arbitrary institution than elsewhere. Setting aside the motives of religion, honor, and a sense of abstract justice, which, undoubtedly, had their share in this distinction, we find it explained by the advantage which came to any authority intelligent and steady enough in its policy to see the value of keeping a large and contented body of laborers on its land. The gradual improvement of the servile class and its advance towards personal freedom were due in great measure to efforts on the part of the serfs themselves to improve their condition by moving from one master to another. Such motion was, indeed, forbidden by the servile condition, but a means of evading pursuit by force was always to be found, and lords of every description eventually found it profitable to make their service attractive by removing obnoxious conditions from their servile holdings.

Thus, with time, several processes came to be recognized, by which the serf could leave his master, either to enter the service of another or to claim entire liberty. If he chose to renounce all claim to the movable property in his possession he might, upon due notice given, disavow his bond and wander forth at will. To prevent loss from such migration we find groups of lords agreeing, either to return all such migratory serfs or, on the other hand, to allow free settlement to their mutual advantage. The escape from serfdom into entire or partial freedom was possible in various ways. An escaped serf, claiming in a new community to be a free man, came with time more and more to have the *prima facie* proof on his side. If he could make his way by any process into the church or into free military service, or become a member of a free city community, he became by that fact a free man. Sometimes a serf might acquire an inferior official function which carried with it the free condition. Besides these more or less underhand methods there were well-recognized forms of manumission, the consideration of which leads, naturally, to a notice of the various classes of non-noble freemen.

Processes of Emancipation.

The distinction between the mediaeval serf and the non-noble freeman was analogous to that between the holder of a fief and the owner of land in fee-simple. In both cases the difference was to a great extent one of sentiment. The allodial holding was more independent, but in practice the feudal bond was preferred. So when the serf became a freeman, he was personally more independent in his motions, but he was subject to almost the same exactions as before, and was deprived of the protection which the master's interest naturally gave to the serf who was his property. In the case of land tenure, however, the drift was steadily away from the freer position towards the more limited; in the case of serfdom it was as steadily the other way. The same causes which led enlightened masters, such as the king and the church generally were, to lighten

The Common Freeman.

the burdens of their serfs, tended also to make them willing, under favorable conditions, to emancipate them. Sentiment aside, the prevailing motive with the lord was the need of money, a need growing more immediate and pressing as the middle period advanced. Doubtless the crusading spirit in all its forms tended to help along this process. The lord, called upon for service, frequently found himself in urgent need of the wherewithal to provide his equipment. In emancipating a serf he received a money payment of considerable value and in all probability retained him on the land as a free peasant, losing only the annual poll-tax and one or two other dues which marked the servile condition, but retaining the right to the other contributions which may be thought of as rent, but not as indicating any bond of servitude. So far did this process go that we have instances of serfs emancipated against their will in order to raise promptly a fixed amount of cash for the master. By means of a not very costly liberality in this direction an estate was made attractive to the farming population, and the land might be developed very greatly to the owner's advantage. The risk of emancipation was, of course, the loss of the new freedman's service. He was at liberty to change his residence but, in fact, the temptation to do so was great only when he saw his way to improved conditions, and it was the lord's affair to see to it that this temptation did not become too strong.

Emancipation for Money.

Compulsory Emancipation.

The numerous grants of manumission preserved show a constant fear on the part of the lords lest their lands be converted too rapidly or by ways unprofitable to themselves into free lands. For example, the freedman might not acquire, by inheritance, purchase or otherwise, any part of the servile lands of his lord; he was sometimes bound not to marry

Danger of too Rapid Emancipation.

a servile person belonging to another lord, because in that case his land would go to that lord and thus be lost to his master.

Villain Tenure.

The free peasant proprietor or *villain*, *i.e.*, inhabitant of a rural village, in distinction from the dweller in a city, was nominally bound only to pay to his lord an annual rent, either in money or in kind, sometimes a fixed amount, sometimes a percentage of the product. Otherwise his control of his land was complete and he might dispose of it as he would. In fact, however, he was subject to a great variety of exactions which usually prevented him from acquiring property enough to lift him much above the merest necessities of life. Under any economic pressure it is the poor man who suffers, and it would hardly be an exaggeration to say that the Middle Ages were always under economic pressure. Every one lived from hand to mouth, and the mouth of the lord had to be filled by the hand of the peasant. Nor was it merely the direct lord who took it out of the tiller of the soil. The clergy, not as landholder but as a religious power, got its share and above the immediate master was the higher suzerain, count, duke or king with his superior claim over a part of the peasant's hard-earned gains. The rights of the lord over the free villain may be described shortly as covering every form of claim which a very limited public opinion would sanction and which force could exact. They began with an annual tax on the land followed by another on the crops. Then came others upon the beasts of burden, upon sales and every form of commercial transaction, upon the circulation of persons and goods, upon inheritances, servile or free, and upon every act in the administration of justice. The lord had over the peasant many of the same rights we have noted in connection with feudalism, *e.g.*, the right of entertainment for a fixed time

Exactions of the Lord.

and for a certain number of times a year, the right of seizing horses, wagons or any other necessities for a journey, even a right of unlimited credit for requisitions beyond the provisions of contract.

The Corvée.

Especially burdensome were the rights of *corvée* by which the free peasant as well as the serf must give a certain number of days' work in the year with beasts and wagons for the repair of public roads or the cultivation of the lord's domain. He was in momentary danger of being called upon for such inferior sort of military service, both in the field and in the defense of castles, as his condition made possible; in default of such service, to pay a fine in money or in kind. Finally he was bound to bake his bread at the lord's oven, grind his grain at the lord's mill, and press his grapes in the lord's wine-press, paying, of course, for the privilege; if he wanted to chase or cut wood in the forest, or fish in the stream, or feed his cattle in the pasture, all of which were reserved seigniorial rights, he must pay his tax. He must pay the lord for the use of his weights and measures, or for a guarantee against changes in his coinage. He may not even sell the remnant of crops which survived this accumulation of taxes until those of the lord have been sold at the highest market price.

Seigniorial Monopolies.

Clerical Taxation.

After the lord had squeezed the peasant almost to the point of extinction, came the church with its even more effectual agencies of terror and superstition. Its principal exaction was the tithe, a tax of one-tenth upon the products of agriculture, a burden sufficient, if rigidly exacted, to ruin any field industry. But not content with this, the church, like the feudal seignior, profited by every special occasion, birth, baptism, marriage, death, to collect new contributions.

Last of all came the suzerain-in-chief, with his supreme rights of military service, of entertainment, and of extraordinary taxation, and took what the peasant had left. One sees very easily that under such conditions as these the free peasantry must needs have sunk to the lowest possible stage of effectiveness. Agriculture, burdened in this way, must necessarily have become unremunerative, and we comprehend, as one could not do without this survey, how it was that, on the one hand, men of ambition and character sought to withdraw themselves from its dangers and uncertainties and betook themselves to the greater security and more regular earnings of a city life, while others were ready to give up the struggle and fall back into the comparative security of actual serfdom.

Exactions of the Suzerain.

We have thus far dwelt chiefly upon that large class of the working population which was engaged in agriculture. Other forms of manual labor were subject to similar restrictions, but by their very nature, being independent of the land, they opened up to those who followed them a better opportunity to change their condition and, above all things, to *unite* for the advancement of their class interests. The development of the industrial and trading classes will, therefore, furnish us with the best thread of connection between the mass of isolated and defenseless laborers in the country and the thoroughly organized and politically powerful corporations of the free cities. Politically speaking, the common laborer, servile or free, had no existence. The most he could gain, under the most favorable conditions, was a tolerable living and the right to a small margin of the profit of his toil. He becomes an effective part of the body social and political only when he combines with others of his kind and gains power to resist encroachment upon what he calls his rights. But it must be remem-

The Industrial Population.

Advance to Political Power.

bered that the basis of right on the side of the lord, as of the subject, was purely customary, and that the custom was frequently fixed only by the repetition of an act of aggression on one side, or of successful resistance on the other.

Seigniorial Control of Labor.

If we go back to the beginnings of our period, we find the artisans, generally servile, grouped together under the eye of a seignior to whom the product of their labor belongs and who is bound by custom to allow them such portion of the profit as is necessary to keep them alive and productive. They are, like the field serf, raised but one stage above the true slave. Gradually they emerge from this condition, partly by means of emancipation, but chiefly by forming themselves into communities, very little organized at first, but still able to deal with the seignior as one power with another. Step by step these organizations become more complete until the process culminates in the great free city, which enters into the highest class of political elements on an equality. The early stages of this development are obscure. They have seemed to some scholars to be a continuation of late Roman corporate institutions and perhaps, for some parts of France, this theory may work. In general, however, it will probably be safer, in the absence of sufficient documents, to connect the beginnings of mediaeval corporate movements with the actual and practical economic conditions of the time. The free artisan separates himself from the *familia* of the seignior, and gains the right to the product of his labor, subject, of course, to such impositions as every mediaeval person, individual or corporate, must recognize. He enters, for the better preservation of his rights, into a community, village or city, which makes terms with the lord of the land. The pressure of the seigniorial rights then falls upon the community, not upon the individual.

Early Organization.

The little corporation thus established becomes the type of all such unions, even up to the great city organizations of the twelfth and succeeding centuries. It consisted of all those who within certain limits exercised the trades (*artes*) common to the time. Its members fell into sharply-defined grades: (1) the apprentice, bound by contract to a master, for a definite term of years, during which he received his living and his instruction and paid, besides a money-fee, such work as he could do; (2) the journeyman or skilled laborer working on wages; (3) the master, who had given sufficient and formal evidence of his capacity as a workman and his credit as a man. The government of the corporation (*communitas*, *universitas*, *gilda*) is in the hands of sworn elective officers, two or more in number (*jurati*, *homines prudentes*) who have general oversight of the enforcement of the statutes. The relations of the guild to the seignior were in the hands of a seigniorial (or royal) official (*prévôt*) whose business it was to maintain the side of the lord in the incessant and inevitable conflicts as to the limit of rights and privileges. Each guild had its own peculiar relations with the seigniorial treasury, but when, as was the case in the larger cities, the several guilds made common cause, the artisan class came forward into positive political action. They formed there the vast body of the lower order of citizens, having above them the class of merchants, wholesale dealers and money lenders, who formed the dominant city aristocracy. The internal history of the French and Italian cities during our period consists largely in the efforts of the great laboring democracy to work its way up to political equality with this controlling aristocratic element. At the close of our period this effort was generally successful.

The Guild of Artisans.

The development of cities in Italy was greatly furthered by the absence of any central authority, by the failure of feudalism to get as firm a hold upon the population as elsewhere and, resulting from this, the comparative weakness of all larger territorial powers as, for instance, the count of Tuscany. Probably, also, we should give considerable weight to the Italian character, far more clever and better endowed artistically than that of any other European people. The artistic instinct turning itself first, as is its wont, to things of use, found its expression in the greater skill and capacity of the class of artisans. The same qualities of cleverness and adaptability showed themselves as soon as the artisans began to unite and especially when their union began to take on a political character. The result of this development on outward politics we have already seen; our concern now is with the internal institutions by which the great political movements of the twelfth century were made possible.

Municipal Development in Italy.

The history of the Italian communes may be studied in the following stages: (1) Under the Carolingian system the city became in Italy the natural unit of administration. It fell under the control of a count and most often this person was also the bishop. Under him, the city was administered by his officials with no more of a popular element in the government than was common to all Germanic administration. (2) From the eleventh century on, an organized popular movement is visible and becomes more and more of a force until it displaces the episcopal government and puts in its place a democracy with elective magistrates, and a strong aristocratic element. (3) From the thirteenth century we notice the rise to power within the democracies of this aristocracy based upon certain well-marked families. (4) From the fifteenth century some one among the great families in each community forces its way to leadership and produces a series

Stages of Communal Progress.

of tyrants who carry on the business of the state until they finally bring it out (5) into the petty "legitimate" monarchy of the sixteenth and seventeenth centuries.

Classes of the Lombard Population.

Our concern is only with the second of these stages, and specifically with that form of municipal government known as the "consular." The part of Italy in which the whole development can best be studied is Lombardy, and there the typical city is Milan. The population of the Lombard town in the eleventh century was clearly divided into the industrial and trading element within the walls and the nobility of blood, living either within the city or on their estates in the neighborhood. This nobility was again divided into a higher, the *capitanei*, and a lower, the *valvassores*. Each of these three classes, citizens, higher nobility, and lower nobility, had come to be very conscious and very jealous of its rights. The nobles represent to us the feudal element, primarily agricultural and aristocratic and inclined to look upward to some superior as the source of its powers. This superior had now come to be the emperor, and we have already traced the outward connection of the imperial policy with these local interests.

They unite in the Communes.

The most striking incident of the Italian municipal development is the readiness with which the noble classes, after a short resistance, found their interest in giving up their separatist tendencies and cast in their lot with their bourgeois neighbors, putting into the common cause their own larger equipment in wealth and political experience, and thus gaining their due share in the management of a development which they were powerless to check. When the Milanese consuls appear for the first time early in the twelfth century in public documents as the administrative magistrates of the city they are plainly distinguished as members of the three orders. They form a new magistracy, having its constitutional basis in the choice of all classes, at first with a preponderance of influence on the side of the aristocratic element, but with a steady growth in the weight of the city democracy. The number of the consuls in Milan is at this time eighteen, but it was afterwards reduced to twelve and this number becomes the normal one throughout Lombardy, though still with great variations.

The Communes permanently established.

The development in other cities of Lombardy and also of Tuscany and Romagna was, with minor local differences, quite similar to that in Milan, so that by 1200 we may safely say that the political future of Italy was permanently secured to the democratic city governments. The continual warfare of papacy and empire contributed to strengthen the municipalities as against any superior power whatever. As in Lombardy Milan, so in central Italy Florence, becomes the head and type of the communal organization. The hostility between the classes of the artisans or merchants and the nobility of blood continues and takes form under the names of the Guelf and Ghibelline parties, but more and more the actual distinctions here become obscured. There rises a new aristocracy of wealth and intelligence, a Guelf nobility, as bold in asserting rights and as violent in maintaining them as ever any nobility of birth had been.

The Communal Administration. Consuls.

As we come to the questions of administration we see very marked differences between the French and the Italian communes. In France the separation of the commune from a superior person of some sort, count, bishop, duke or king, was never complete. In Italy there remained no one between the city and the shadowy supremacy of the emperor. The Italian commune, therefore, takes on, from an early date, the character of an independent state. Its chief magistrates, the consuls, were supreme executive officers especially in matters of war and justice. They represent the commune in all dealings with other powers, as, for instance, in all the long negotiations before and during the Lombard League. They are elected for short terms and are paid out of the communal treasury.

By the side of the consuls in their administrative capacity stand officials generally classed together as *judices et sapientes*. The *judices* were probably a body of persons corresponding to that Germanic institution out of which our jury was developed, *i.e.*, a representation of the people to aid the judge in his interpretation of the common law. With time this function came to be a professional one, and we have everywhere a class of persons who have become learned in the law by means of practice in administering it. These are the *scabini* (schöffen, échevins) and such were probably the Italian *judices*. As learning advanced, as legal rights became more complicated, and especially as the Roman law came to be professionally studied, this class developed into a body of lawyers in our modern sense. The *sapientes* formed a far less accurately definable institution, a kind of irregular council which might be summoned in an emergency. Below the consuls, judices and sapientes stood the *parlamentum*, a general assembly of all full citizens, not including, at first, the artisan class. The citizens were divided for administrative and military purposes into local wards, an arrangement strikingly indicating the theory of equality on which this constitution is based.

Judices.

Sapientes.

The Parlamentum.

This is the organization under which the Italian communes went into their long and bitter contest with Frederic Barbarossa.[1] How well it worked we have already seen. On the whole, it met the strain of that momentous struggle with remarkable success. It suffered no permanent diminution in strength or effectiveness, but it did undergo certain modifications. It will be remembered that the most troublesome question between the emperor and the communes was the appointment of magistrates. Whenever the emperor gained his point here he placed at the head of a city a single governor, called generally by the Italians *podestà* (*potestas*), a word especially useful as having no connection with any inconvenient tradition. Whether the cities learned in this way how much more effective a single executive might be than a divided one, is not clear; at all events they begin from this time forth more and more to place the executive power in the hands of one man, and to call him podestà. This elective office had at first an extraordinary character, something like that of the Roman dictatorship, but became gradually the rule. The podestà was regularly a stranger in the city, and of noble origin. He was elected by the citizens for a short term, a year or six months. His functions were civil and military at once, and his authority appears very much more extended than that of the ordinary feudal executive.

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[1] See chap. ix.

The Podestà.

The podestà was, however, limited by two councils of citizens, a smaller and a larger (*consiglio speziale e generale del commune*). The *parlamentum* was retained for cases of special importance. This is the form of municipal constitution under which Italy passes through its astonishing social, intellectual and industrial expansion in the thirteenth and fourteenth centuries. But one element remains to be noticed here: the gradual transfer of the basis of all political power from the citizens as such to the trade and artisan guilds in their corporate capacity. The question of the origin of guilds, whether from ancient Roman models, from servile groups

The Greater and Lesser Councils.

under the control of a feudal lord, or from free association, is one very much disputed. For our present purpose it is enough that the same spirit of association which was showing itself in the commune in general was seen also, and earlier, in the formation of these lesser unions. The guilds were already corporate units when the communal movement began, but they do not assume a political character until well within the thirteenth century. This is the best stroke in the democratic assault upon the remnants of the feudal nobility. It takes the form of a Guelf movement, but without reference to the antagonism of empire and papacy.

The Guilds as Political Corporations.

The dramatic culmination is seen in the famous "Ordinances of Justice" in Florence in the year 1294, a series of laws excluding the non-artisan and non-trading classes from all share in public office and binding them to keep the peace by making the whole class of the nobility outside the guilds responsible for the acts of its individual members. Eleven years before the "priors" of the principal guilds had been declared the *signoria*, *i.e.*, the responsible government of the city, and now at the head of this signoria was placed a new official, the *gonfaloniere della giustizia*, as the special executive of the new ordinances.

The Ordinances of Justice.

The example of Florence was generally followed in the city republics of Tuscany. In the north, though such extreme measures were not taken, it is still true that the guilds became the actual basis of city organization. The one great exception is Venice, where, for reasons connected perhaps with its peculiar history as a Roman community, largely exempt from Germanic influence, the aristocratic element always maintained the upper hand. There, too, a crisis was reached nearly at the same time as in Florence, but in the precisely opposite direction. The "Closing of the Grand Council" in the year

The "Grand Council" at Venice.

1297 was the definite fixing of a list of aristocratic families in whose hands alone the government of the republic was to rest. The story of the fourth crusade[1] is the best illustration of what this close aristocracy, skillfully handled, was able to accomplish. It had already made the state of Venice when it gave itself a constitution on the basis of the Grand Council.

Origin of the French Communes.

In studying the organization of the city communities in France we encounter a great variety of conditions, from that of almost entire liberty down to that of a complete subjection to a suzerain, with only such limitation as the fact of union in itself provided. In no case was a city without some superior to whom it owed certain well-defined duties, but this superior might be the king, the church, or a lay baron. The precise balance of rights and duties between the community and the seignior was laid down in the charter of the corporation and varied greatly with the circumstances under which the charter was obtained. It was formerly supposed that the granting of charters, which begins with the eleventh and goes on at a great pace in the twelfth century, was an act of grace on the part of the lords, especially of the king, but we have learned to place little or no weight on those fine phrases of the charters themselves, which emphasize this view, and to find more reasonable and more human causes for their creation than those there expressed. The fact is, that in a great majority of cases the corporation recognized by the charters was not called into being by them, but had long existed without definite rights or political weight. Like other mediaeval corporations, as for example the universities, the communal organization grew up at first by the simple and natural process of association for some definite purpose, and then, becoming conscious of its strength, sought recognition by an act of incorporation from the highest political authority it could reach.

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[1] See p. 379 ff.

Granting of Communal Charters.

The motives in granting city charters appear to have been substantially the same as those we have noticed in connection with the granting of manumission from individual servitude. In no case was the consideration of cash left out of sight. The charter, in spite of its lofty declarations of interest in the citizens of the "good town," was bought and paid for. It was not only a means for providing money to meet some present need of the lord, but it was an attraction to all those floating elements of the population which then, as now, might be drawn into a city well provided with liberties and exemptions. The more attractive the city the better the chance that its dues would be promptly paid, its military service duly maintained, and its fortifications kept in proper trim to defend the lord's interest in time of war. The most prudent seigniors were the earliest to see the advantage of these concessions, but their example was rapidly followed by others as the advantage became evident.

Terms of the Charter.

The communal charter was guaranteed by the oaths of the lord who gave it, of his officer in the city, of his immediate suzerain, and of the king or provincial seignior — the theory being that any such grant was, in so far, a diminution of the feudal rights of every rank concerned. Each stage of consent to such diminution was naturally paid for by the commune which profited by it. The form of the charter varied infinitely in detail, but certain charters came to be taken as types to which others were made to conform, as for instance, that of the town of Lorris. In general the charter guaranteed the personal liberty of all the inhabitants, their right to marry, to change their residence, and to dispose of their property at will. The feudal property in the land remained with the seignior,

The Principle of Taxation.

The main purpose of the charter was to fix the claims of the lord upon the service of the inhabitants, and, in doing so, generally to limit them. The tendency was steadily to convert the great diversity of feudal obligations into regular and well-determined payments of money. We find here the earliest modern attempts to regulate taxation upon the theory that a good tax is one that falls at regular times, is not excessive, and does not vary greatly in amount, so that it can be anticipated and provided for. Any intelligent community will prefer a considerably larger tax of this sort to a smaller one levied irregularly, and so we find the charters making a very considerable advance towards a sound view of public finance on both sides.

Judicial Limitations.

The tendency of the clauses of the charters relating to judicial matters was to limit the arbitrary action of seigniorial justice, partly by checking certain direct forms of its action, partly by opening up to the citizens means of settling their difficulties by their own tribunals.

Military Conditions.

The military service of the chartered communes was regulated by restricting very much and very jealously the length of time for which service could be demanded, the distance from the walls to which soldiers might be led, and the causes for which they might be summoned. The tendency here was plainly to place the cities among the great peace-preserving agencies of the time. They were willing to fight and proved their willingness on many a field, but they did not propose to waste their energies in the petty warfare of the barons, or to let themselves be carried off to remote parts of the country and for an indefinite length of time, to aid ambitious barons in objects with which they had no concern.

The terms of the charter applied to all those inhabitants who had complied with the conditions necessary to make them citizens (*bourgeois*). These included a majority of the inhabitants, but not necessarily members of the nobility or clergy, unless they chose to avail themselves of the advantages of the *bourgeoisie* without strictly binding themselves to its burdens. Another exceptional class were the "king's citizens" (*bourgeois du roi*), either regularly enrolled as citizens of a royal city, though living elsewhere, or else citizens of any town, who had profited by the feudal privilege to "disavow" the seignior of that town and "avow" themselves to the king. It is very evident that, as the king's power extended everywhere towards the close of our period, these scattered subjects served as so many points of attachment for his advancing authority.

The Privileged Body of Citizens.

The chartered towns stood, as regarded their administrative functions, executive and judicial, in very different relations to the seigniorial authority. In some we find a wide range of privileges in regard to exemption from taxation in all its forms, but nothing that can be called a municipality in the sense of an independent executive system in the hands of freely elected magistrates. In such a city the executive power was exercised by an officer of the seignior, who was also charged with the administration of justice. In other cities we find a regularly elected magistracy for executive work, but as yet no judicial system except that of the seignor. In others, again, the seignior has parted with both these attributes of sovereignty, and the community may properly be compared with the actual free city, the chief distinction being that in the one case the liberties of the place have come from above by an act, more or less voluntary, of the seignior; in the other they have generally been gained by a

Relations of the City to the Seignior.

revolution from below. In the case of the chartered city, also, the relation with an immediate lord was not entirely severed, while the free city generally threw off the control of its former seignior and entered directly, as a corporate person, into the feudal hierarchy.

The Free Cities.

The great free cities of France were divided into two principal classes, the *communal* of the north and the *consular* of the south. Whatever difference of origin may have led to this variation in form, the distinction came, during our period, to be a merely formal one. Probably some influence of the Lombard movement or even a vague Roman tradition, common to both Italy and France, determined the consular organization in the south. Probably, also, the Germanic principle of the general assembly of freemen as the source of all action of the community, had its weight in fixing the communal form upon the municipalities of the north. However this may be as to their origin, the spirit of the two institutions was essentially the same. In the south as well as in the north we find groups of keen, intelligent citizens divided into their industrial and commercial organizations, already well practiced in the art of successful association and thoroughly conscious of what they wanted.

Organization of the Commune.

The first step in the formation of the *commune*, technically so called, in northern France, was the taking of the communal oath (*sacramentum communiae*) by a certain body of the free and well-to-do citizens, to whom were then added such others as conformed to the required conditions. They must be freemen, of sound body and rich enough to meet the financial demands of the commune. The communal oath might also be taken by nobles or clergymen, who, however, did not thus become members of the corporation, but only bound themselves to respect its privileges. As regards the lord of the place, his consent was sought in the form of a charter similar, in most respects, to that of the simple chartered city, but sometimes it was long before such a charter could be gained, and nothing better proves the force of these great associations than the fact that meanwhile the commune entered into the practical exercise of all its rights and demanded a charter only when it came to feel the need of their confirmation. It is only at the close of our period that we meet the legal maxim, "no commune without a charter," corresponding, in its purpose, with that other maxim in feudal affairs, "no land without a lord." Once gained, the charter became the foundation of all communal action and was guarded and presented for re-confirmation to succeeding suzerains with the greatest care.

The Commune vs. Feudalism.

The history of the northern French communes is that of a bit of modern life in the midst of mediaeval and feudal surroundings. The principle they represented, the right of a community to command the allegiance and the service of all its members to the exclusion of all other authorities, is that of the modern state. It is absolutely opposed to the notion of privilege, *i.e.*, private rights, which dominated the society in the midst of which the city sprang into being. As the commune increased in numbers and wealth it grew more and more impatient of the multitude of petty encroachments upon its absolute control within its own limits. Especially was this the case when the feudal lord of the place was a churchman. Lay seigniors not infrequently found their interest in making terms at once with the commune, swearing to protect it, or even directly entering it and thus gaining power over its affairs. The church, on the other hand, regarded the commune as an organized attack upon its rights, and clerical lords held out against its demands until they were actually driven by violence to accede to them. It is in the great episcopal cities of the north that we have the most striking illustrations of the immense force of the democratic movement.

The Commune at Le Mans.

The earliest demonstrations of communal energy in a political form in France were made at Le Mans and Cambrai in the last quarter of the eleventh century. In the former case the rebellion of the citizens was against a lay noble who was a vassal of William of Normandy. The commune here appears, not yet as a regularly organized administrative unit, but merely as a body of fighting men driven into action by a tyrannous ruler. They improved the absence of William in England to drive his governors out of the territory of Maine, and then declared their municipal independence. The commune was sworn to by the bishop and by the guardian of the minor count of Le Mans, but William, returning from England in 1075 with an army largely composed of Saxons, was able to put down this insurrection without great difficulty, and we hear nothing further of the commune of Le Mans.

At Cambrai.

At Cambrai we find, running back through the records of a hundred years, continual evidence of bad feeling between the episcopal power, which held the feudal sovereignty of the city, and the body of citizens. The overlord of the place was the king of Germany. The first outbreak against the bishop in 1024 was easily repressed by the emperor's help. In 1064 another revolt went so far that the bishop was attacked and imprisoned by his subjects, and again the aid of the emperor was necessary to keep them in order. Once more, in 1076, they rose in rebellion, and this time formed a perpetual association or *commune*. The emperor, Henry IV, had his hands abundantly full with his own affairs, and the commune prospered accordingly. Not until the reign of Henry V (1106–1125), do we find any considerable reaction. In

1107 the commune was destroyed, only to be renewed again a few years later on a permanent basis, with very extended privileges. In these two cases, of Le Mans and Cambrai, the territories were, at the time of the communal movement, still outside the sphere of action of the kings of France. Upon strictly French territory the earliest commune was that of Noyon, formed by the inhabitants and ratified without much resistance by the bishop in 1108. At nearly the same time St. Quentin received a charter from its overlord, the count of Vermandois.

At Noyon and St. Quentin.

The example of these cities spread rapidly throughout the north and led to similar overturns in many other places. The history of the commune of Laon is the most instructive in all respects, partly from the importance of the place, partly from the persistence and intelligence shown by the citizens in their long struggle for liberty. The administration of the bishops, the feudal lords of Laon, had long been little more than a systematic plundering of the citizens for the benefit of the ruling class, without regard to a due preservation of order, or even to the most common duties of protection. The bishopric was bought in 1106 by a Norman soldier of fortune in a clerical gown, who took the office solely for what he could get out of it. Things went on from bad to worse until, during the bishop's absence in England, the citizens persuaded the dominant party of clerics and nobles to consent to the establishment of a commune in return for heavy promises of money. A government of mayor and aldermen (*jurés*) was set up and sworn to by clerics, nobles and bourgeois. The charter, an imitation of that of Noyon and St. Quentin, provided security for all classes, especially for the lower. The bishop, at first inclined to resist, was bought over, and the ratification of the charter by king Louis VI was also purchased by the obligation to pay a substantial annual tribute.

The Commune of Laon.

Thus all parties seemed satisfied, and the commune went into operation to the immense improvement of all the conditions of life in the city. The only trouble was that the citizens, having shown their capacity and their willingness to pay for their privileges, had exposed themselves to ever new demands. Bishop, nobles and king put their heads together, each eager to squeeze the prosperous bourgeois to the limit of their endurance. The king, source of all justice as he was, greedily listened to the bishop's promise that he, the king, should get more out of the citizens by revoking their charter than by allowing it to stand. 1112. The citizens made the king's councillors a very liberal offer if they would advise him to stand firm, but the bishop went them several hundred pounds better and won the bargain. The moral baseness of the revocation was easily wiped out by the episcopal absolution and the charter was declared null and void. The king, who had come to spend Easter at Laon, found it prudent to run away with his promises to pay in his pocket, leaving the bishop to take the brunt of the affair. The citizens, driven to fury by the combination of powers against them, rose in their might, broke the castle of the bishop, murdered him on his own ground, and assumed control of the city, but found themselves at a complete loss what to do with it. Plainly, their ambitions had not gone beyond securing a decent administration; politically they were without plans. A momentary panic drove so many out of the city that the way was opened for a reaction by the party of the bishop, and a period of confusion followed, lasting about sixteen years.

In 1128 a new attempt at charter-making took place. The bishop fell in with the plan rather than risk the danger of a second rebellion, and the king gave his consent again, moved thereto, no doubt, by substantial arguments in cash and promises. It is noteworthy that this new charter describes the compact, not as "*communitas*," but as "*institutio pacis*," the name "commune" being plainly one of evil omen. Thus things went on for more than a generation of peace and prosperity. In 1175 the bishop was again an ambitious noble who found the communal organization more than he could bear, and tried to bring king Louis VII into a combination against it. The king, however, stood by the commune as long as he lived, and actually helped it with soldiers against an attack by the bishop. His successor, Philip Augustus, began on the same line, but was gained over by the bishop, and, "to avoid all peril to his soul" declared the commune of Laon abolished as "contrary to the rights and privileges of the metropolitan church of St. Mary." Within a year, however, the king had forgotten all about his soul, and once more confirmed the charter of Louis VI, in consideration of two hundred pounds annually. In spite of continual friction between the citizens on the one hand and the bishop and chapter on the other, the commune continued until the reign of Philip IV without serious troubles. In 1294 a tumult between partisans of the bishop and citizens involved the latter in a charge of sacrilege, and on this count the Parlement declared the charter forfeited, but the king, who needed the good-will of all paying classes in his state, confirmed their commune "so long as it may please the royal will." Upon these terms the citizens retained their organization until the year 1331, when it was definitely abolished and the city brought under the prevotal system. The whole story of Laon illustrates, throughout a period of two hundred years, the traits of civic energy, prudent use of the bourgeois weapon, money, and a clear sense of public administrative duty, joined with political short-sightedness, which mark, in one or another form, the progress of municipal life in France.

The contrast with Italy is seen especially in the weaker sense of political advantage. While the Italian communes never, from the beginning, lost sight of their political independence as an ultimate aim, those of France allowed themselves easily to be absorbed into the larger life of the great feudatory or of the crown.

The Communal Administration.

The government of the commune was vested in a select college of citizens called, variously, *jurati*, *pares* and *scabini* (*échevins*), varying also in number from twelve to one hundred. Elected, by processes obscure to us, the college chose from its midst one person as the executive head of the city with the title of mayor (*major*). In this organization we find, plainly, the counterpart of our boards of mayor and aldermen. Their functions were not merely executive; in judicial affairs the *major* and *jurati* represent the commune, acting either with entire independence, or in conjunction with the lord and more or less subordinate to him. These officials were usually chosen from the leading commercial families of the city and represent a very well-marked aristocratic tendency. The great mass of artisans in their trade guilds exercised at first little or no influence upon the government, and it is only towards the close of our period that we find them claiming and actually gaining rights as against their aristocratic fellow-citizens.

Administration of the Consular Cities.

The points of resemblance between the commune of the north of France and the consulate of the south are more striking than their points of difference. The source of the popular movement seems to have been the same and its methods, at least, similar. The differences may, without great chance of error, be ascribed to that fundamental distinction between the lands of the *droit coutumier* in the north and those of the *droit écrit* in the south, which marks the whole growth of French institutions. The model for the consular form of government is found in Italy, and all its arrangements suggest a more developed civilization. Especially in a more complete division of functions and in more elaborate processes of election, the consulate shows a larger capacity in political matters, a clearer comprehension of future difficulties and a greater skill in providing against them. The executive power in the southern city was in the hands of a board of "consuls," usually twelve, elected annually by complicated processes combining the principles of choice, appointment and chance very much as we find them employed in the Italian cities. Next to the consuls was a general council varying in numbers from twenty-four to more than a hundred, who, acting with the consuls, formed the real government. In cases of especial public importance they summoned for consultation a still larger assembly called, as in Italy, *parlamentum*, and representing in theory the great mass of the inhabitants. In fact, the parlamentum was composed only of the heads of families, noble or bourgeois, who constituted the body of citizens. The resemblance to the Italian communities is still more clearly shown in the adoption by some of the southern cities of a chief magistrate called the *podestat*, usually, as in Italy, a stranger in the city, and invested for a short term with chief executive power, while the city constitution remained otherwise unchanged.

The Fate of Municipal Liberty.

The outcome of the municipal development in France, both south and north, was the same. The cities took their part in the great centralizing movement which resulted in the monarchy of Philip IV. At first viewed with suspicion by the kings, they soon showed themselves ready to take up the royal cause as against the encroachments of feudalism. Then came a period of active alliance with the crown which placed the bourgeoisie in possession of almost entire independence. The ally became dangerous and the monarchy, in extending the sphere of its influence, found itself compelled to abridge the very liberties it had been most active in furthering. All through the thirteenth century the annihilation of charters goes on rapidly. Not that the monarchy was opposed to city life as such. It was only determined to break down every form of political organization, feudal, clerical, municipal or what not, that stood in its way. Once it had been glad to sell liberties to the communes to get money for its empty treasury; now its ever-increasing resources were making it able to dispense with the support of any single element of the state, and even to bring any one of them to terms by employing others against it.

CHAPTER XVI.

THE ECCLESIASTICAL SYSTEM.

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A. THE SECULAR CLERGY.

IN tracing the history of the great clerical reform of the eleventh century we have had frequent occasion to refer to the nature of the episcopal office and its relations to the other elements of mediaeval church life. In the present chapter we shall bring together into one point of view all the grades of the ecclesiastical system and show in some detail their relative importance. The first great distinction in the clerical life is that between "secular" and "regular." The very plain difference between them is, in theory, that the secular clergy live in the world, among men, busied with the care of men's spiritual concerns and with this alone. They have, in other words, the "cure of souls" (*cura animarum*). It is they, and they alone, who have in charge the administration of those great sacramental acts without which the life of the Christian cannot go on.

The Clergy as a Whole.

As the church system had increased in vigor and effectiveness from the time of Gregory the Great onward, it had concentrated its force more and more upon the regular and punctilious performance of certain definite acts which it had come to dignify above all others by using for them the name "sacraments." The meaning of a sacrament in the church sense is "the outward sign of an inward grace." If it was indeed true that no virtuous action is possible without a specific motion of the divine grace to inspire it, then it was of the utmost importance that this grace of God should be carried regularly and effectively to human society. The Christian clergy, originally a body selected for its virtue and learning to teach and to direct the organized life of the Christian communities, came in our period to be regarded primarily as the agency by which this transfer of the divine grace from God to man was to be accomplished. Its functions as teacher and guide were in danger of being forgotten in its anxiety to keep and to increase its hold upon the great trust it was believed to have in charge. The culmination of this tendency comes with the close of our period as shown in the systematic writings of the later Scholastics, especially in the *Summa* of Thomas Aquinas.

The "Sacramental" System.

These writings may be regarded as the codification of the existing law of the church, as their contemporaries, the French *coutumes* and the German *Spiegel*, were codifications of the existing law of the state.

The "Opus Operatum."

According to these highest authorities, the essential quality of the sacramental act was that it gave to the person upon whom it was performed a "character" different from that which he had before. It was not merely the doing of a good thing like saying one's prayers or giving to a beggar or going to church, but it was an actual re-invigoration of the highest spiritual nature by a process in which the individual most concerned had no essential part. Provided only that he did not resist, the grace of God worked through the sacramental act, when properly administered, without his will. It produced its effect "*opere operato*," *i.e.*, by the mere accomplishment of the act itself, without regard to anything but the formal fitness of the person performing it.

The Clergy as Agents of the Sacraments.

Now the only body capable of performing the sacramental acts had come to be the organized priesthood. The priest, and he alone, was the vehicle by which the absolutely necessary power of the divine assistance was carried to the individual man. So immensely important a part of the priestly function came very naturally to overshadow all the rest, and thus was evolved the astounding but perfectly logical doctrine that the personal character of the priest had nothing to do with the effectiveness of his service. He might be the worst of men without being any the less a true priest. Of course the church in its official action never encouraged vice and it did what it could to keep its ministers clean, but still this element of formal in place of actual virtue kept on increasing and gave its character to the whole mediaeval system. The sacramental theory was developed with wonderful skill. It seized upon a man at his birth and accompanied him to his death, taking advantage of each of the great natural crises of human experience to bind him by one more link into its unbreakable chain.

The Seven Sacraments.

At his birth he was met by the first sacrament of Baptism, whereby the portion of "original sin," or actual guiltiness, which he had brought into the world with him, was removed. During his period of childhood he was theoretically without such sin as brought guilt with it, but at the age of puberty he was received into the full membership of the Christian community of potential sinners by the act of Confirmation, whereby his sinlessness for the moment was established. The third and most sacred of the sacraments was the Eucharist, the vast importance of which in the scheme of the church polity we have had occasion elsewhere to describe. In the individual case it meant the absolute identification for the moment, of the communicant with the person of Christ, and taken in connection with the fourth sacrament of Penance, it removed the guilt of whatever sin he might previously have committed. The sacrament of Penance included confession in the ear of the priest as its natural foundation. The frequency of repetition in the performance of these two central sacramental acts was largely a matter for the individual conscience, but it was for the interest of the priesthood to keep up the zeal of the faithful by urging them to claim their benefits as often as possible. The celebration of the Eucharist came to be the centre of the public religious service, — not the sermon, the exhortation to right living, but this mystical, miraculous act of divine interference with the ordinary course of divine action, was made the all-absorbing object of interest to the Christian world. It must be repeated at least once a year during life, and finally, when life seemed nearing its close, this sacrament, under the name of the Last Unction, was the last action of the human soul trying to keep itself in harmony with the divine.

These five sacraments have reference to the life of the individual. Two others applied to two of the most important social relations. Marriage, sacramentally treated, gave a religious character to the tie of the family, and to all those complicated legal and economic conditions that resulted from it. By gaining this vast field of human interest for itself the church was able to impress upon society the supreme importance of a religious basis to human action, and also — this must be said to its eternal credit — it was able through this means to soften and humanize the ways of living in a society little raised above primary barbaric instincts. The seventh sacrament was that of the consecration of the priest, or "Holy Orders." It was the outward representation of the idea contained in the great theory of apostolic succession. According to that idea, the act of the priest was valid only by virtue of a specific divine commission carried down to him by an uninterrupted succession from the apostles. Any break in this chain of succession would, logically, endanger the souls of all those who had received the sacramental acts through a channel so perverted. Thus the sacrament of holy orders is the key to all the rest, for upon it depends the validity of the whole sacramental system. If the priest be not properly consecrated he cannot partake of the divine gift, and hence cannot properly impart it to others.

Marriage.

"Holy Orders."

We thus come to consider in some detail the various elements in the priestly hierarchy. Strictly considered, no human office can be higher than that of the simple priest, since by the sacrament of holy orders he becomes possessed of the highest conceivable earthly function. All the higher stages of the

Hierarchical Rank.

hierarchy are, therefore, but variations upon this one central office, and have come into being rather by the necessities of human organization than by virtue of any essential distinction. By analogy with civil affairs, as there must be governors to secure a decent and orderly administration in public life, so in religious affairs there must be authority, to keep the machinery of church organization in proper working order.

The Bishop.

The whole question of the origin of the hierarchy belongs to an earlier period. By the time of Charlemagne there is no question that the diocesan bishop had become distinctly the central figure of clerical life. A great part of the church legislation of the Carolingians had turned upon the one question of stricter organization, and in this effort the weight of emphasis was all upon the duty of the bishop on the one hand and the reverence due to him on the other. With the progress of feudalism the bishop had gone on gaining in dignity and authority until we find him at the close of our period ranking in every respect with the highest in the land.– Going back to the sacramental system as the reason for existence of the hierarchy, we find the bishop distinguished above the common clergy by the fact that two of the most important sacraments were specially reserved for him. He did not receive with his higher office any higher consecration, but it seemed specially fitting that, as the executive officer of a diocese, he should have especial charge of admissions to membership both in the lay and clerical elements of the religious society, and hence he was regularly entrusted with the performance of the rites of confirmation and of holy orders.

The bishop was the executive and responsible head of a diocese, *i.e.*, of a territory, larger or smaller, in which there might be any number of parish churches, each under the immediate charge of a priest (*presbyter*). As a clerical personage his function was to oversee the conduct of public service and the administration of charity in his whole diocese, to secure proper persons for his subordinates and to see that they did their duty. He had, moreover, by the legislation of Charlemagne, and in virtue of the whole episcopal theory, supervision of the monastic houses lying within the limits of his diocese, but this was always a point of bitter controversy between the regular and secular clergy, and the episcopal supervision was apt to be anything but effective.

The Diocese.

By far the most interesting aspect of the bishop's office is its dual character. The mediaeval bishop was not merely a clerical personage. He was at the same time the administrator of vast temporal interests. The mediaeval church was not, in any modern sense, a state institution. It was protected by the state, but not supported by it. Like all other officials, the clergy were supported by the income of definite parcels of land, and the mediaeval idea did not separate sharply the possession or even the use of land and the exercise of jurisdiction over the inhabitants of that land. Thus the bishop, as the chief administrator of a great landed possession, was drawn into all the complicated business of a secular government. As far back as Charlemagne's time we have bishops actually invested with the functions of the count, and, as the feudal system developed, such cases became so frequent as to be, in many parts of Europe, almost the rule. The bishop became, by virtue of his office, a vassal of the seignior in whose territory his lands might lie, and he also became in his turn a seignior, often on a great scale, with vassals and sub-vassals, ruling over a very wide extent of country.

Temporal Functions of the Bishop.

Everything that we have said about the rights and duties of feudal princes applies with equal truth to the bishop —

with one very great exception. The lay fief was, from an early day, hereditary; the ecclesiastical fief passed from one hand to another by virtue of an election. As to how a bishop was properly to be elected there was never a doubt in any one's mind. "*Clero et populo*" was a canonical phrase, easily enough understood, and plainly enough intended to exclude every form of influence through the government or from any source whatever except the body of persons over whom the new bishop was to have authority. As time went on, however, it became more and more impossible to keep the episcopal election within such narrow lines. It became involved with every form of seigniorial interests both from above and from below. The filling of a vacant bishopric with the right man was a matter of immense importance to every landholder in the vicinity, especially so to the direct lord of the land, and most of all to the overlord, the king.

Election of the Bishop.

We have already seen, in considering the causes of the wars of the Investiture, how completely the lay control of the episcopate had taken the place of its purely clerical origin. Although the greatest violence of that conflict fell upon Germany, no country of Europe was free from it. The agents of the reform were the papacy and the monastic party in close alliance, both hostile to the laification of the clerical function, but — and here was the centre of all troubles — both wishing to keep all the advantages of temporal property and temporal rights, without suffering any loss in spiritual influence. The reform party refused even to consider the separation of the spiritual and the temporal qualities of the clergy, while demanding at the same time that all other temporal powers should refrain from using any influence whatever on the sacred rights of the church.

Political Aspect of the Episcopate.

The results of these extravagant claims make up a great part of mediaeval politics. We follow now the episcopal institution itself. At first the bishop was included with the rest of the clergy of his church in the economic arrangements of the diocese, but as his office rose in importance we see emerging gradually, but distinctly, two separate personalities, the bishop and the "chapter," each with its own property in land and revenues. These two economic units were frequently in conflict with each other, each claiming the enjoyment of some revenue or some privilege. They were both feudal persons, holding estates in fief and granting them out on the same kind of tenure. The chapter was composed of all the secular clergy attached to the cathedral church. Its organization was of a semi-monastic character. In some cases its members (canons) were bound by vows not very different from those of monks. The strict organization of the northern canonicate dates from the eighth century, when a certain Chrodegang, bishop of Metz, for the purpose of keeping a better control over his clergy, brought them together into a common house and established a rule for them which came as near the rule of St. Benedict as was possible without too great interference with their secular functions. Their movement in society was necessarily more free than that of the monk, and they were allowed to retain in their canonicate something of individual rank and property. These secular monks, if we may so call them, were known as "canons regular." During the earlier part of our period their organization was maintained with a good deal of strictness, but declined in the later part.

The Bishop and the Chapter.

The "Canons Regular."

The clergymen forming the chapter were of course members of the ordinary ecclesiastical grades below the bishopric, presbyters, deacons or sub-deacons, but their position as canons, especially in a large cathedral church, came to overshadow, in dignity and value, all lesser distinctions. Their places were eagerly sought for by leading families, and their order became distinctly one of the great feudal powers in public life. The chapter, like every other feudal landholder, had also rights of jurisdiction, and maintained, the more as our period advanced, a complete separate establishment of administrative offices. More and more it emancipated itself from episcopal control, and allied itself with the powers hostile to the bishop. Especially in the long-continued struggle of the papacy to gain a hold upon the clergy of every country, the chapter often furnished a leverage against the bishop which the papacy knew well how to apply. So also, here as elsewhere, it was in the interest of the royal power to divide authority that it might the more easily, when the time came, insert the wedge of its own jurisdiction and gradually force both parties to accept its control. So far did this split in the cathedral churches of France go that we find chapters totally exempt from the episcopal jurisdiction, calling councils, trying clerical cases, and even exercising the right of excommunication. Under the leadership of their elected chief, the dean (*decanus*), they gained and enjoyed great revenues, partly from the estates with which each individual canonry was endowed, partly from the official fees connected with every act of service, and partly from their share in all the rich donations continually made to the cathedral as a whole.

Hostility between Bishop and Chapter,

fomented by Papacy and Crown.

As we leave the great church centres and pass out into the open country, we find the service of religion in the hands of a vast body of parochial clergy. The unit of division is the parish, a fixed territorial limit, intended to include a certain minimum number of souls, usually at least ten families. The cure of souls is in the hands of a priest under the absolute control of the bishop of the diocese.

The Parish Clergy.

His appointment, however, comes from the "patron" of the parochial church, *i.e.*, the person, lay or clerical, to whom the church property belongs, confirmed by the consent of the bishop. Perhaps the normal condition may be said to be that of lay patronage, but during the ages of religious reform there was a drift in the other direction, laymen giving up their patronage into the hands of clergymen, and especially of monastic corporations. At first the occupant of the church was necessarily a secular clergyman, but monasteries soon came to place one of their members, especially endowed with priestly orders, into the place, and then the "purification" of the clergy in that parish was held to be complete. This transformation was the work of the Cluny-Gregorian reform and wherever it was accomplished the purely ecclesiastical nature of the parish life was permanently fixed.

Influence of Clerical Marriage.

At the beginning of our period the marriage of the parish clergy was so common that we may safely call it normal; at its close the clerical marriage was uniformly regarded as wrong. The great leniency of the church towards concubinage and other forms of clerical incontinence makes it evident that there were other reasons for its opposition to the lawful marriage of priests besides the usually alleged moral ones. If we compare the economic condition of the parish priest with that, for instance, of the free landholder, we find it in many ways similar. Each was supported by the income of certain lands held under the control of a feudal superior. Neither had any other support for a possible family than this same land. Hence, as we have seen, the great effort to make such lands heritable, and, in the case of the free layman, the general success of the effort. Now, if the parish clergyman was to have a legitimate family, it was plain that the benifice would rapidly tend to become hereditary. Either the lay son would carry the estate out of clerical hands entirely, or else the clerical class itself must become hereditary and its members thus pass out of the control of all appointing authority. In the one case the church would lose its property; in the other it would keep it, but only at the price of losing all that quality of selection for fitness which was its chief guarantee of value and its chief claim to distinction. Either of these alternatives was intolerable to a vigorous church administration. The Cluny influence revolted against the debasement of the priestly character implied in an hereditary priesthood; the local diocesan party was alarmed at the prospect of losing its property by the inheritance of lay sons.

"Reform" of Parish Clergy.

Before the reform the parish churches were treated like any other pieces of feudal property, handed about from one possessor to another and in all economic respects indistinguishable from lay holdings. Their occupants were more lay than clerical, rather so many guardians of valuable pieces of property than pious and learned ministers of religion. The capture of the parish clergy by the monastic influence was the only conceivable process by which a purer state of things could be brought about. The monastic clergy, working from the nearest available point, tried either to force the incumbent of a parish church to take the vows of celibacy, or, what was a more thoroughgoing method, they themselves gained possession of the parish and placed in office one of their own number. By this transformation the actual administration of the cure of souls passed into monastic hands and, in so far as the monastery was independent of the bishop, it passed out of episcopal control. Hence in great part the hostility of the episcopal order. Thus, wholly aside from moral grounds, we see that the reform of the eleventh century had its roots in great social and economic changes going on throughout Europe.

The Arch-presbyter.

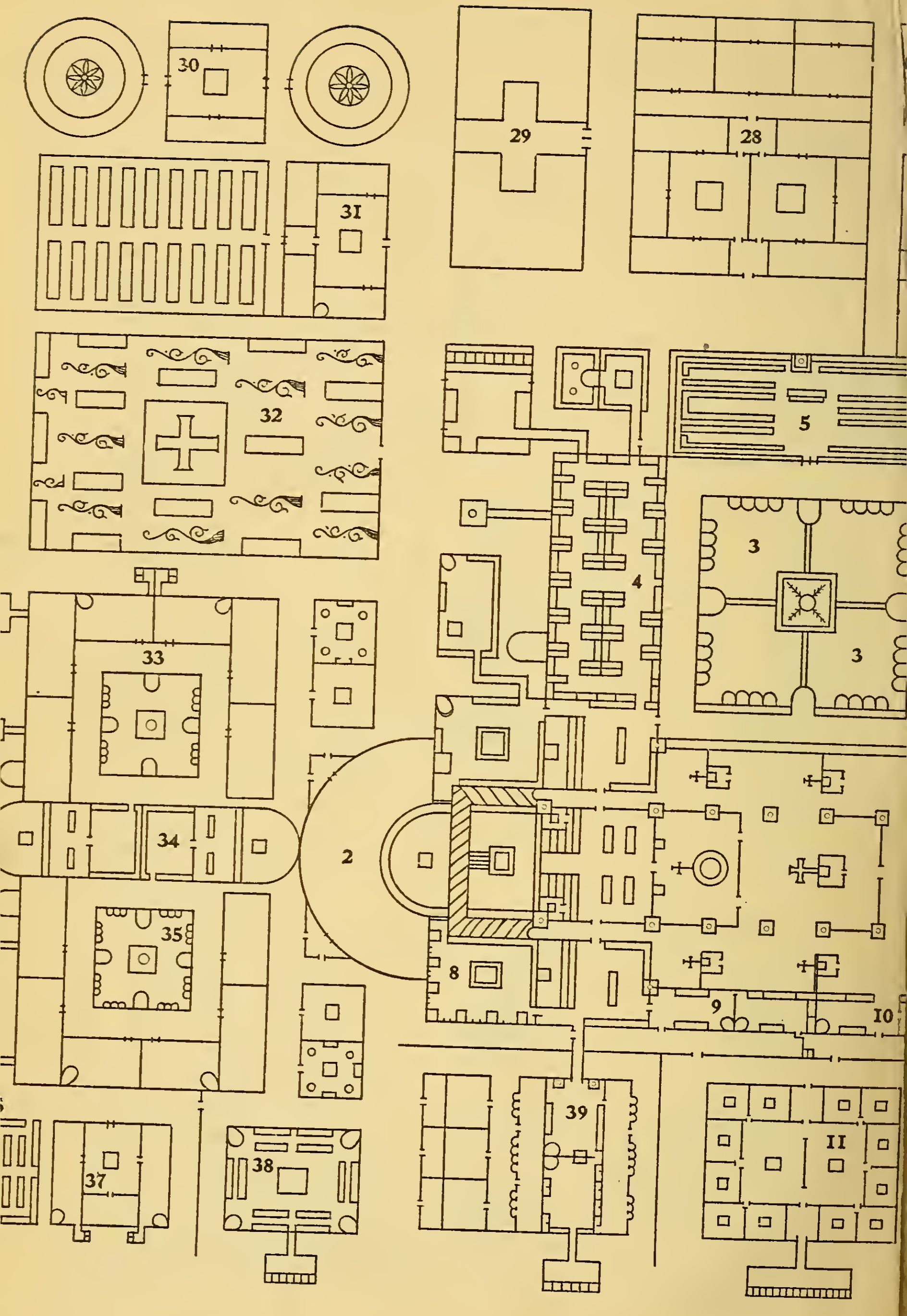
The Archdeacon.

Between the parish clergy and the bishop we find two administrative degrees corresponding to the lower feudal grades in civil life. The immediate execution of the episcopal orders was intrusted to the care of an official called the arch-priest (*archipresbyter*) or rural dean (*decanus ruralis*), himself a parish clergyman, but set over a group of other parishes as inspector of church life in general and with certain minor judicial functions. Above the rural dean we find the archdeacon (*archidiaconus*), an officer placed over a larger group of parishes and vested with much more extensive functions,—so extensive indeed that in many cases he became a dangerous rival of the bishop. Especially was this the case with the archdeacon of a great city church. He was the most important member of the chapter and, as such, was in position to make his authority encroach upon that of the bishop at many points. In the long run the bishops, supported by popes and councils, succeeded in overcoming the threatening danger and the archidiaconate became finally what it was originally, a subordinate executive office of the bishopric.

The "Metropolitan" or Archbishop.

Threatened from below by the archdeacon and by the ever-widening influence of the monastic clergy, the bishop was even more limited at times by the pressure from above of the "metropolitan" or archbishop. These two terms are, of all the clerical titles, the most difficult to define, chiefly because their meaning shifts from time to time and varies greatly with difference of place. The metropolitan was, as his name implies, the bishop of a metropolis;—but what was a metropolis? Was it simply a large city?—or the capital of a political province? — or an apostolic foundation? — or a royal residence? On all these points controversies arose and in no case was the general question authoritatively decided. The archbishopric may be regarded as an element in that attempt at more complete organization which is the most striking feature of Charlemagne's church legislation. Charlemagne had plainly in mind a system which, beginning with the parish priest and the monk, should find its natural head in the chief ecclesiastic of a province, from whom an appeal lay to the emperor alone. It will be remembered that in Charlemagne's scheme the papacy does not enter. During a short time after Charlemagne the establishment of archbishoprics goes on, but in the course of our period this development makes little progress, and the position of the archbishop becomes, on the whole, less and less distinctive and effectual. The title remains and the dignity continues to be sought with eagerness. In a few cases, where the archiepiscopate is joined with great political influence, as for instance, in Rheims, Cologne, Mainz, Milan, it represents a clerical element of vast importance, but even here the influence of the see is due rather to outward reasons than to anything in the nature of the office itself. The essence of the office consists in its control over a body of suffragans, and this control is precisely the thing hardest for it to maintain. The outline of the whole question is seen in the controversies of Hincmar of Rheims in the ninth century. Hincmar was involved in difficulties in every direction, but especially with his suffragan bishops and with the pope who supported them. In his case the office of metropolitan was identified with the national cause, and it is under this form that it survives in its most important aspects. Most of the archbishoprics ceased to have any specific meaning, beyond that of bishoprics in general. Those only retained a

Political Importance of the Archbishop.



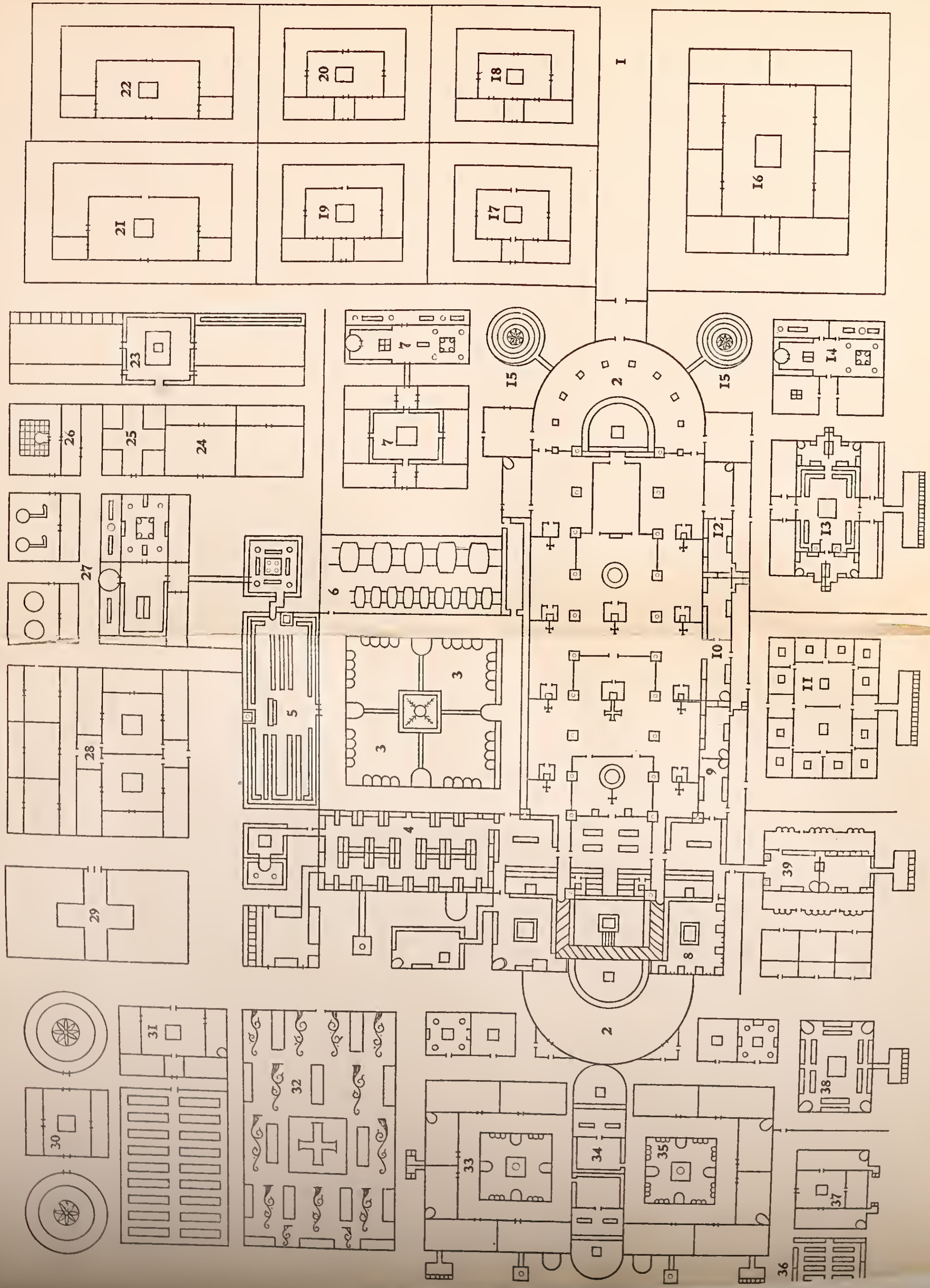
controlling influence over great bodies of suffragans, which were in some way identified with political interests; so, for example, Canterbury in England, Rheims in France, Mainz, Trèves and Cologne in Germany. The occupants of these great sees were *ex officio* the most prominent representatives of the clergy in their respective countries and as such were the natural advisers of the government in church matters. They were in the main, and with some exceptions, the defenders of the national church as against papal or other aggression. They claimed and exercised, often with much resistance from other prelates, the right to crown the king. In Germany, especially as the electoral monarchy went on developing its popular character, the nucleus of the electing body which finally came to control it, was the group of three Rhenish archbishoprics.

The Pallium.

The especial insignium of the archbishop was the *pallium* or collar of state which, according to long tradition, must be granted by the pope. This point of connection was frequently the ground of extravagant papal claims over the metropolitans, but in the main the national character of the office overcame the papal. A method of combining the two was to invest the archbishop with the functions of a papal legate. In quiet times this might work well, but when the issue of papacy *versus* the nation came uppermost again, the union of two such hostile powers generally showed itself to be an illusion.

B. The Monastic Clergy.

By the time of Charlemagne the monastic principle, oriental in its origin, had become thoroughly incorporated into the life of the western world. The legislation of the Capitularies recognized monasteries as a regular part of the church organization, and provided for their administration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by putting them definitely under the government of the bishops in whose dioceses they lay. This provision was quite in accordance with that spirit of order and regularity which marks the whole activity of the great lawgiver, but it was opposed to tendencies stronger even than the will of the emperor or the loyalty of his people. It seemed to the monastic clergy themselves contrary to that reverence for the ascetic character which lay at the bottom of their whole system, and they spared no pains to counteract this dangerous tendency by every means in their power. And, on the other hand, the sentiment of the western world was pointing in the same direction. Kings might legislate, but nothing could check the growing feeling throughout the society of Europe that a monk was a better man than a priest, and it was this sentiment which worked most powerfully to overcome the force of such laws as we have mentioned.

Monasticism a Fixed Fact.

The subject of mediaeval monasticism is the most difficult one with which we have to deal. And this chiefly because it brings us to such curious contradictions and conflicts of ideas. Nothing is easier than to state the monastic principle: — poverty, complete abandonment of all idea of wealth, so that one might be independent of those motives which lead men to their meanest actions; "chastity," the denial of the most natural human instincts in order that one might be free to devote himself to the highest objects of which he was capable; obedience, the sacrifice of the individual to the trained will of a superior so that he might apply his powers with the least possible waste to the work of helping mankind. — This seems all very lofty and at the same time very easy to understand. But along with this noble endeavor we see running from the beginning what appear to be exactly opposite tendencies. The vow of poverty did not prevent

Monasticism a Complicated System.

the monastery from being the keenest gainer of lands and the most careful holder of them. The sacrifice of self implied in the vow of chastity was accompanied by a greed of temporal power which sent monks to the front in all the political scheming of the middle period. The subjection of the individual to the will of the superior was only the means whereby that will was to be made effective in controlling the whole social order.

Monasteries exploited by Rulers.

The Age of Hildebrand, that is, the latter half of the eleventh century, is the point at which all these contradictory tendencies come out into the clearest light. Between Charlemagne and Hildebrand the monastic institution went on developing with enormous strides. The breaking up of the Carolingian empire contributed to this, as it did to every other form of localizing power. The new states, uncertain of their hold upon their subjects, had found it for their momentary interest to confirm the monastic establishments in the possession of powers which must eventually prove almost fatal to the state idea. Sometimes, as in France, the great wealth and influence of the monastery became dangerous so early that in the ninth century and all through the tenth we find the chief abbacies in the hands of laymen, great feudal lords, who found their profit, not in destroying the monastic institution, but in putting themselves at the head of it. It was not uncommon here for a leading nobleman, such a man, for instance, as Hugh Capet, to be the lay-abbot of several rich foundations, drawing their revenues and making use of them in every way to maintain his own power. Such an arrangement had the double advantage that the sacred character of the institution was maintained and used as the means of holding property together, while at the same time this property was not withdrawn from the practical purposes of public life. The lay-abbacy, however, was never regarded with favor by the church and was one of the abuses against which the revived monastic zeal of the tenth century protested most vigorously and most successfully.

Monastic Revivals.

The history of mediaeval monasticism is the history of a series of great revivals. The singular thing is that when the monasteries of a country had got into a bad way it never occurred to those most interested in the welfare of society that the fault might be in the very nature of the monastic principle itself, but they invariably concluded that the only trouble was that this principle had not been carried out thoroughly enough. Not less monasticism, but more was needed in order to keep the monastic idea pure and thus effectual. So we have, over and over again, great waves of monastic reform sweeping over European society and carrying with them, let it be fairly understood, usually all that was best and most forward-looking in the community. The conclusion we have to draw from this fact is that the mediaeval world was right; that it knew its own needs and was trying to provide for them in its own way. Our business is, not to criticise these means of social improvement, but — and this is far more difficult — to understand them.

Benedict of Aniane.

The earliest effort at monastic organization after the time of Charlemagne is that which has become famous in connection with the name of Benedict of Aniane in southern France. The personal history of this man is similar to that of many other leaders in ascetic movements. He belonged to a noble family, and had every prospect of worldly success before him, but early became convinced of the vanity of all things earthly, gave up his wealth and put himself into a monastery. His aim was to restore the full rigor of the rule of St. Benedict. As long as Charlemagne lived, this attempt met with little success beyond the immediate circle of Benedict's influence.

Charlemagne was already suspicious that the monastic life was becoming too frequently an excuse for withdrawal from that service to the state which was, after all, the chief end of all his institutions. He was not a hater of monks, but he was the last person to have sympathy with any fanatical excesses whatever, and we have evidence that he thought of monasteries rather as seats of good learning, where men could be prepared for usefulness in the church, than as hot-beds for developing an ascetic piety.

Strict Organization of Monasticism by Louis I.

The death of Charlemagne and the accession of his pious son was the signal for the immediate ripening of the plans of Benedict of Aniane. He had been personally known to Louis while the latter was governor of Aquitaine, and was soon called to the court at Aachen and there given a commission, the like of which had never been heard of in Frankish lands before. He was made general supervisor of the monasteries throughout the kingdom and given liberty to introduce everywhere those principles of strict observance which he had carried through in his own region. We have little information as to how this commission was carried out, but the effects of a renewed monastic zeal become very soon evident. The growth of monasteries during the reign of Charlemagne had been slow. Now they increase with great rapidity. The king summoned, in the year 817, a convention of abbots from all parts of the kingdom, and the result of their deliberations was a long decree, in which we may read the detail of the new reformatory ideas. Their tendency is throughout in the direction of the ascetic side of the monastic life. The cultivation of the intellect is entirely overlooked. The monks are not to keep school in the monastery except for the *oblati*, the boys who had been devoted to the monastery by their parents, and who were held to a strict observance of the vows in which they had had no share. Two paragraphs of this decree are especially noteworthy: the king grants such monasteries as seemed to need it exemption from their public burdens, and he takes pains to ascertain and publish which had the right to choose their abbots from among the monks themselves. The latter clause was directed evidently against the abuse of the lay-abbacy, already beginning to make itself felt.

The "Canonical Life."

A still further enforcement of the monastic idea is seen in an edict of Louis, probably of the same time, establishing the "canonical life" of the secular clergy, on the basis of the rule of Chrodegang. His plan was to introduce into all cathedrals, all churches which had grown out of monastic foundations, and all others where there was a considerable body of clergymen, the same principles of the common life which had been laid down for the canons of Metz.

Effects in France

In these two efforts, to fix the Benedictine rule, in its strict interpretation, upon all Frankish monasteries and to bring the parish clergy of all the larger church centres into a common life, cut off from family and other social ties, we have the foundation of the great conflict of the Middle Ages between the ascetic idea on the one hand and the practical demands of a human society on the other. Both attempts met with vigorous opposition. The absolute withdrawal of the monasteries, with their great and increasing wealth in land, from secular control found bitter opponents in the great nobility, who looked to these lands for their own advantage. The canonical life did not commend itself to ambitious young men, who, while leading the clerical life, did not care to find themselves cut off from all connection with the larger interests of politics or social advancement. In France, the lay abbacy maintained itself and gained ground. In Germany, where the monastic

and in Germany.

impulse seems to have been on the whole more pure, as it was more novel, a multitude of new foundations sprang up in all directions, especially in Saxony. It would not be too much to say that the civilization of the Saxon people, along the lines of the Romanic-Christian culture, was due primarily to the monastic houses, which, during and soon after the time of Louis, attracted to themselves many of the best of the Saxon youth. But it should not be forgotten that this very work of culture was in itself a protest against that extreme ascetic view of the monastic institution, which would have made all monks into madmen and beggars and so have crippled permanently the usefulness of their organization.

Relapse and Revival.

The very strictness of the effort in Louis' time seems to have brought about a reaction. During the whole of the ninth century complaints of the loose life of the monks are frequent, and the remedy was again sought in tightening the reins. The ascetic spirit, not dead, but only incapable of holding its own against the more natural impulses of men, comes again to the rescue and, in following it, we are brought to the history of the greatest mediaeval movement of the kind, the "Cluny Reform." By this term we do not mean that every reformatory effort in the religious life of the tenth and eleventh centuries was directly connected with the monastery of Cluny, but only that a certain character was given to this kind of activity by the Cluniac monks, which proved to be the right thing for the age and has therefore given its name to all similar movements.

The monastery of Cluny was founded by an Aquitanian nobleman in the year 910. Its situation on the borders of Aquitaine and Burgundy made it peculiarly adapted to serve as a central point of influence for the most cultivated and, religiously, most sensitive population of the West. A

Foundation of Cluny.

series of capable abbots and the protection of powerful neighbors soon gave it a prominence which attracted the attention of the papacy. Not that the papacy of the early tenth century was on the lookout for means to help the world along. We have already seen that it had fallen into an almost hopeless insignificance in the midst of the squabbles of the Roman nobility to get it into their hands and had only been raised by the tyranny of Alberic into momentary respectability. With this decline of the Roman bishopric there had gone on an almost complete demoralization of the monastic life in Italy. The history of the monastery of Farfa, which has been preserved to us, is typical of what was happening elsewhere. The bonds of discipline seem to have been completely relaxed ; the vast landed property of the order had been divided up among the monks who, instead of living together under the rules of the common life, had scattered about over the farms, enjoying the pleasures of the world, getting what they could out of the estates, wasting the income in riotous living, without a thought of their religious character and without any control which could bring them back to a better way.

Cluny recognized at Rome by Alberic.

Alberic, clear-sighted in this as in other respects, had no sooner got himself well established at the head of Roman affairs than he turned his attention to reforming these evils. We find the abbot of Cluny a frequent and honored visitor to Rome and, one after another, the monasteries in and about the city were put under the care of men who had been trained in his school. The ancient abbey of Monte Casino, the earliest foundation of the Benedictine order, and to this day the most honored seat of the monastic world, was the first to feel this new impulse and became the secondary source from which its agents could be supplied. The abbey of

St. Mary on the Aventine hill was founded by Alberic himself, who gave for the purpose his own family palace. It is here that we afterwards find the headquarters of the Cluny abbots whenever they came to Rome. The abbot Odo was made overseer of all the monasteries in the Roman territory. Singular that in the reports of these events there is scarcely a mention of the popes. The reform of the church as well as of the state was plainly in the hands of the tyrant. Even Farfa, though lying outside the proper territory of Rome, felt the force of the new enthusiasm. King Hugo had been induced by bribery to let the monks alone in their scandalous violation of their vows, but as soon as he was out of the way Alberic sent monks of Cluny to spread the reform there also. This failing he marched against Farfa, drove out the abbot, introduced his reformers by force and put a new abbot at their head. The rebellious monks found a way to dispose of their new chief, however, and the monastery could not be described as "reformed" until the time of the Ottos.

Process of the Reform.

The process which we have seen going on at Rome was the same followed elsewhere, whenever the desire of the resident monks themselves or the enthusiasm of some temporal ruler found in the ideas of the Cluny reform the promise of improvement to society. New centres were formed in the various countries of the continent, from which, as occasion required, parties of monks were sent to any monastery, there to teach the new rules and remain long enough to see that they were seriously adopted. Such a centre in Germany was the monastery of Hirschau in Swabia, of which we have an interesting account in the life of its abbot William.

The immediate outward result of the efforts of Cluny was the establishment, for the first time in Europe, of what came to be known as a "congregation," *i.e.*, an association of monasteries, in which a common principle of administration had been introduced and which were guided in their affairs by that one among them from which the movement of association had gone out. The "Congregation of Cluny" spread during the tenth century throughout all the countries of Europe. Its members were partly new houses, founded directly by monks of Cluny and partly older foundations, which had received from it their reformatory impulse. The abbot of Cluny was probably, next to the pope and frequently far more than he, the leading clerical personage in Europe. He was regarded personally as the head of the whole congregation, with its hundreds of houses, its enormous landed estates and its far-reaching control over the actions of men. It would not be to our purpose to go into the detail of the process by which this Burgundian monastery gained its extraordinary hold upon the mediaeval conscience. It was essentially the same process as that we have already examined in the time of Louis the Pious.

The "Congregation of Cluny."

More interesting is the fact that the extreme ascetic idea could not, after all, succeed in checking the movement of the human mind toward a higher culture and a broader view of life. The aim of the Cluny abbots was as far as possible from being an educational one. The story of the abbot Odo (p. 444) is a true reflection of the higher sentiment on this point. Cluny gave the tone to European monasticism, but for all that the course of learning was not to be permanently checked. The teaching, even of the monastery boys, could not fail to bear fruit, and in spite of all resistance the permanent charm of ancient literature continued to assert itself here and there with sufficient vigor to keep it alive until this ascetic pressure should be removed.

Conflict with Classic Learning.

Conflicts with the Civil Power

The development of a monastery, within the lines, territorial and administrative, of both the civil and ecclesiastical governments, could not go on without frequent occasions of difference in both directions. As against encroachments of the civil power, the usual means of defense was to obtain from that power itself such grants of immunity from jurisdiction and from the ordinary burdens of property as would secure the monastery for all time. These grants were then preserved with the most jealous care, and at every change in the civil authority, such as the accession of a new prince, the monastery took great care to have all its previous grants and privileges renewed. We have now, thanks to the diligence of scholars, an immense mass of record-books, the so-called "cartularies," in which these charters are preserved for all the most important monasteries of Europe. On the whole, it would be safe to say that these grants of the civil powers were fairly well observed.

and with the Episcopal System.

A far more jealous rival of the monastic house was the local ecclesiastical authority, centred in the bishop of the diocese in which the monastery lay. It was the interest of the bishop to keep as large a measure of control over the religious house as possible, and as, one after another, these rights of control slipped away, he became only so much the more eager to save what was left to him. The monastic clergy had not long been satisfied with their peculiar lines of religious activity, and had demanded and obtained for themselves most of the rights belonging more properly to the secular clergy. The confirmation of these rights had come mainly from the papacy, which had seen from the beginning the chance offered it by the monasteries of getting in every country a vast body of allies who would be likely to stand by it in the inevitable conflicts with all local independence, ecclesiastical as well as civil. The "*religiosi*" had gained for themselves, above all, the right of administering the sacraments, the very function which was the peculiar distinction of the parish priest.

Cluny and Macon.

A very characteristic episode in the history of Cluny at the time of its greatest success will illustrate this point. The abbey had already gained from successive popes almost everything it could desire, but still lacked the right to perform those peculiar functions of ordination and confirmation which belonged specifically to the office of the bishop. When it was necessary to consecrate an abbot, to confer orders upon a monk, to consecrate a subject church, the abbey must needs appeal to the episcopal power for the service. But it was one of the dearest privileges claimed by Cluny that it was to be free in its choice of the bishop it would call upon, without regard to the question in what diocese the function was to be performed. Against this claim the bishops of Macon, in whose diocese Cluny was situated, maintained that they and they alone could properly perform episcopal functions in that diocese, and in the year 1025, while the great Odilo was abbot, the case came before a provincial Burgundian synod, and in spite of the papal documents which Odilo was able to produce, the synod declared it uncanonical that any bishop should perform episcopal functions in the diocese of another, and gave the case to the bishop of Macon. Odilo still stood by his point, and a short time afterward allowed another foreign bishop to consecrate an altar at Cluny. Again the bishop of Macon, the successor of the one in the former case, claimed his right and threatened the abbot. Odilo yielded, but this was almost the last case of effectual assertion of the diocesan principle. The time of Hildebrand was approaching, when the papacy found means to enforce its orders and to make them respected.

The influence of Cluny during the tenth century is to be seen most plainly in the establishment of its "congregation" as a means of educating the peoples of western Europe up to the point of making the great ascetic principle a force in society and in politics. In the eleventh century we are to see the value of this principle as shown in great and controlling institutions. Much has been said of the influence upon the Christian imagination of the approach of the year one thousand.[1] While the effect of that incident has undoubtedly been exaggerated, it is still true that it fell in with ideas already deeply rooted, and thus produced certain effects much more striking than the mere turn of the century would have brought out. The idea that the world was to end at some time within the near future was one which had always, from the earliest stages of Christianity, been attractive to great masses of men. It rested upon the notion of a return of Christ to the earth, such as he was thought to have promised, joined with the further conception that the Christian community was to be separated finally from the rest of mankind, and rewarded by the enjoyment of some extravagant form of blissful existence. After a thousand years of trial, the heavenly Jerusalem was to descend as in the vision of the apostle, and all Christians were then to enter upon their reward. Again a thousand years of ecstatic happiness, and the universe was to be utterly destroyed, the Christians to enter their final dwelling-place in heaven, the rest of mankind to be annihilated.

The Year 1000.

Naturally there were those who believed that the first thousand years were to date from the birth of Christ, and who, therefore, expected some great catastrophe at the completion of this first Christian millennium. Certainly we find in many parts of

The Millennial Enthusiasm.

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[1] See p. 150.

Europe indications of a restless dread of approaching calamity. The ascetic impulse was beginning to express itself in those extreme forms which had never until now flourished very vigorously on western soil. Especially in Italy we see several very remarkable cases of a new outcropping of that form of the monastic life which had probably been the earliest, the form of solitary hermitage. Two men in particular, Nilus and Romuald, became the centres of a fanatical piety which reminds us rather of the oriental anchorites than of the clever followers of St. Benedict. Both of these were men of good social position, who gave up the world and retired into seclusion that they might thereby attain the higher spiritual life. But such was the force of the attraction which drew the superstitious imagination of the day towards such shining examples of saintliness that the very purpose of their retirement was defeated. Instead of passing lives of seclusion, these men, Nilus in the south and Romuald in the north of Italy, became active forces of inspiration in the hopeless task of bringing the Italian clergy, and with them Italian society, to more strict ideas of virtue and duty. Their cells became the resort of kings, princes and popes, whenever these leaders of public life wished to get the sort of spiritual aid which in that day seemed the only hope of the Christian world.

Private Warfare.

Along another line the efforts of the monastic clergy and of those secular powers which were willing to aid it, show a more practical and, so far as we can judge, a more effectual aim. One of the most painful results of the rapid growth of the feudal system had been the maintenance of the right of private warfare. It had come about by the most natural process in the world. As the central governments had parted with their rights of sovereignty to the feudal nobility, they had lost all possibility of control over the actions of their vassals. Fidelity to the king did not imply obedience to his dictation, nor willingness to submit questions of difference to his decision. The idea of a regular centralized judicial system, such as Charlemagne had had in view and had, in fact, to a great degree made practicable, was becoming more and more a thing of the past. In its place had come the jurisdiction, such as it might be, of the lords themselves. They provided, theoretically at least, for the ordinary justice between man and man on their own estates, but were as far as possible from recognizing in practice any actual control over themselves. Differences between them, usually in regard to the possession of land, could be far more agreeably and, according to the standards of the time, more honorably settled by open warfare. This practice was then supported by a theory, heathen in its origin, but translated into Christian forms, that the divine will manifested itself through military prowess, and that therefore the method of fighting out a legal quarrel was in a sense the truly religious method.

The "Peace of God."

Still, although the principles of the ancient Germanic laws in this regard had been reproduced in the codifications made under Christian influence, the church itself had always in its higher moments frowned upon the fundamental idea contained in them. Violence in any form was un-Christian, and it was the business of the church to assert the higher law of peace and good-will. So, even in the midst of its worldliness, there was enough of other-worldliness left in the church to bring about an open and vigorous protest. One of the most distinct results of the Cluny movement in France is that great effort known under the names of the "Peace of God" and the "Truce of God." That principle of association among the clerical centres of a country which lay at the root of the Cluny "congregation" made it possible for the scattered elements of order to unite in a common action. Beginning in the latter part of the tenth century we can trace the attempts of the French clergy, secular as well as regular, to declare its position on this question of private warfare. The wretchedness into which the struggles of the rival claimants for the throne had plunged the whole country was the most effective argument for any measure looking towards the abolition of war as a means of settling all disputes.

Sanction of Church Decrees.

So we find a series of synodal acts covering a great part of the French territory and dated at intervals during the last of the tenth and the first half of the eleventh centuries. The only means of enforcing the opinion of the clergy was by spiritual penalties, and the only basis for success in applying these was the belief on the part of those attacked that the consequences threatened would actually follow. This is the constant problem of the mediaeval church. It could enforce its influence over such communities only as were already convinced of its right and alarmed at its thunders. It will not surprise us, therefore, that the earliest efforts of the sort were of little effect. The thing to do was to make a demonstration, the larger and more vigorous the better, and then trust to the growing sense of order in society at large to see the value of the new idea. This much at least was certain: if the church could not affect society in these ways there was no other power in sight that could do so.

The "Truce of God."

The declaration of the Peace of God meant nothing more nor less than that certain persons, having arms in their hands, bound themselves not to use them, but to submit their differences to the judgment of regular tribunals. But what, in the tenth century, was to become of a man who made this sacrifice? His occupation in life was gone. Fighting was his trade and the basis of his social standing. As well might such a man turn monk or clerk at once; for him there was no one of the many resorts, industrial, professional or mercantile, which open up before the modern man. The demand not to fight at all was too much for mediaeval human nature. It is much to the credit of the church that it knew when to moderate its demands and changed the plan of a "Peace" to that of a "Truce" of God. This latter demand was that men should agree to abstain from all fighting during the time from Wednesday night to Monday morning of each week and during the most sacred festivals of the Christian year. Under this milder form there can be little doubt that the attempt to do away with violence produced some good results, — how great or how lasting it is very hard to find out. The only hope was that the secular powers, which were most interested in similar ways, would lend their aid and add their physical penalties to the spiritual ones of the church. The suppression of private warfare was quite as much in the interest of the royal cause everywhere as in that of the lower classes more directly protected by it. The papacy, too, with its universal aims and its claim to a divine commission as the defender of the oppressed, was directly interested in enforcing the effort of the local clergy toward a more decent condition of society. The final stage of the Truce of God, therefore, was reached when it passed out of the condition of a mere agreement among the parties most likely to offend and took on the character of a public law, proclaimed formally by the kings of France and Germany, by the latter as emperor, and by the papacy as a definite article of canon law as well. Under this form, it remained at least as a recognized principle until nearly the time when the rising national powers were in condition to secure the same end by other means. It should be added that when a Gottesfrieden received the formal support of a temporal power, it comes so near to the character of a Landfrieden that the distinction in the two ideas may for the moment disappear.

Foundation of a Mediaeval Monastery.

Coming now to the internal organization of the monastery as a social, political and economic unit, we have to notice first that the foundation of a religious house was due primarily to motives of piety on the part of some layman. It was generally an investment entered into as other good investments are for the sake of a well-defined benefit. In the early charters it is generally specified that the donor gives such and such lands, forests, incomes or what not, in return for which the brothers bind themselves to pray forever for the repose of his soul. Lands conveyed in this way were often of little immediate value, and their development and increase by every device of practical management became one of the primary functions of the order. Naturally many an heir to a great estate felt himself defrauded of his rights by such alienations, and the records of monasteries are full of protests, usually ineffectual, against them. This arrangement was a kind of insurance of the soul, but we have also abundant evidence that the monastery was often thought of as a life-insurance institution, not unlike in purpose many of those in our own time. The donor of money sometimes made the stipulation that he should at his request be received into the monastery at any time and so provided for during the rest of his life.

The Administration of the Monastery.

The administration of the monastery was vested primarily in the hands of the abbot or father, in whose hands lay, theoretically, complete control over all the management of the house. The vow of obedience was made to him, and without his consent the individual monk could not properly perform any act of life. It was his duty to see that the monks observed the rule in all its details, and to punish infractions of it at his discretion. He was the responsible manager of the temporal property of the community, must see that its accounts were properly kept and must be in readiness at specified times to render an account of his stewardship to the community as a whole. He occupies in the feudal hierarchy the same rank held by the bishop; he is the responsible person for the performance of the feudal dues to the overlord and stands for the monastery in all its efforts to keep the feudal hold upon its vassal tenants. It was as important to the monastery as it was to the bishopric that its head should be chosen freely, without the use of any of the lower motives which were almost certain to affect the choice. The electors are the monks, but, since the abbot is regularly to be confirmed both by the secular head of the territory and by the bishop of the diocese, it is clear that these larger interests would have to be considered, and in the case of the more important monasteries we find the same difficulties in getting "pure" elections that we have spoken of in connection with episcopal elections. The succession in a great monastery was often the occasion of violent conflicts between the complicated interests at stake.

The Inferior Monastic Offices.

Immediately under the abbot, a sort of vice-abbot in fact, comes the prior, whose business it is to carry out the orders of the abbot and to represent him in his absence. The same officer appears under the name of *decanus* or still oftener *praepositus* (the German *Probst*). He became often a troublesome rival of the abbot and was, as many records show, the kind of man often selected to fill a vacant bishopric. The chamberlain (*camerarius*) has charge of the money, the clothing and the archives. The cellarer (*cellararius*) looks after the provision, both food and drink. The sacristan is charged with the most precious possessions of the house, the vessels of the service, the sacerdotal ornaments and the relics with their costly enclosures. The librarian (*bibliothecarius*) has the duty of keeping the books and supervising the manufacture of new ones, an important part of the function of a well-regulated monastery. The almoner sees to the distribution of goods to the poor, usually in fulfillment of pious endowments entrusted to the monastery for this purpose. The *infirmarius* takes charge of the sick, both monks and outsiders, for the monastery was also a hospital for the immediate region about. The hospitaller looks after the guests who have a claim upon the hospitality of the house.

Non-Monastic Officers.

All these officials are themselves monks and are subject to the rule. Besides these there was a multitude of other persons, partly laymen and partly secular clergymen, called in to perform a great variety of duties not primarily belonging to the monastic life. The cure of souls within the monastery was originally in the hands of secular clergymen specially maintained for that purpose, but in course of time monks were so far exempted from the strict rule that they might perform this function also. Menial service was largely done by lay servants and, most important of all, there was regularly some layman of high standing who, under the name of *vicarius*, *advocatus* (*Vogt*) or some similar term, represented the abbey in its dealing with the outside world. Such a place as this last was a very fat berth indeed, offering an infinite opportunity for pickings and stealings in every direction. The advocate of a large monastery, especially if, as was often the case, he held the advocacy of several houses at once, tried naturally to make his office hereditary, like every other valuable thing, and there are numerous records of conflict arising on this issue. The advocacy of the Frauenmünster at Zürich by the Habsburg family was the entering wedge for their claims over the Forest Cantons which finally resulted in the formation of the Swiss Confederation.

The body of the occupants of a typical large abbey consisted of several classes of persons. First, of course, the monks in full title, who have passed their novitiate and have entered upon all the rights and privileges of the order.

The Several Classes of the Monastic Body.

Some of these remain within the walls, others are sent out into service in the lesser houses dependent upon the main abbey. They form together the "chapter," which meets regularly to receive the instructions of the abbot and to confirm such acts as need their approval. They are the electoral body, through whose action alone the abbot ought to be chosen. The novices form a class by themselves. They are young persons not yet admitted into the regular monastic life and as yet undecided whether they are suited for it. The novitiate might last one or two years and at the end of this probation the novice became a monk in full title or left the monastery. A third class were the *fratres conversi*, that is lay-brothers, subject only in part to the rule and held in connection with the monastery for the performance of numerous secular functions. The *oblati* were either laymen who maintained a certain relation to the monastery by putting money into it as an investment, or they were children placed by their parents in charge of the monks and then later claimed as bound by the vows of the parent. The right of the monastery over these young *oblati* was frequently the cause of bitter personal conflicts, but, as the prestige of the orders grew, their hold upon their members strengthened, and in the majority of cases the *oblati* were willing enough to keep on with the life that had grown familiar to them.

The immense increase in the ascetic spirit during the eleventh and twelfth centuries led to a corresponding growth

The Growth of Orders and Congregations.

of the monastic institution. It became the regular custom for larger and older foundations to send out members to establish new centres of monastic life in regions not yet so provided, or such a parent-house might bring into its control smaller foundations already established. Such minor establishments came to be known as priories. They were generally put in the hands of a prior trained in the central house and remaining, in his new position, still subject, in theory at least, to the abbot. The relation may not inaptly be compared to that existing among the members of the lay hierarchy. Like the various stages of feudal holders, the several ranks of monastic organizations found themselves involved in frequent conflicts, the central power trying in each case to maintain its hold over the members, while these on their side were taking advantage of every opportunity to strengthen themselves in their independence. The relation varied very greatly from that of simple subjection to that of almost complete independence. In some cases, as for instance in the Congregation of Cluny, there was a gradual progress from the idea of association to that of control. In other cases, as in the Cistercian and in the later mendicant orders, the theory of a central administration was the starting point of the movement.

New Orders on the Benedictine Basis.

The history of mediaeval monasticism is, we have said, one of continually repeated reforms. In principle the rule of St. Benedict remained unchanged; all the various attempts at an enforcement of the monastic idea were nothing more than so many revivals of that rule. The names of the new orders indicate only certain slight variations, always in the direction of greater severity. Properly speaking the Congregation of Cluny is not to be classed as an order. One cannot speak of a Cluniac monk as one would of a Cistercian, a Carthusian or a Carmelite. Yet practically there is no difference in the result. During the eleventh century and well into the twelfth Cluny dominated the religious world. By its capture of the papacy it secured to itself unlimited support in its policy of unification. The papacy had come to see that its best hold upon society was through just such a strongly organized monastic machine as this. But success brought with it the germs of failure. In the midst of the best activities of St. Bernard, in the first half of the twelfth century, we begin to find Cluny falling into the inevitable sin of all monasteries, luxury and contempt for the very principle of self-abnegation by which it had grown strong. The general conventions of the order show us plainly the details of this falling-off. Complaints were piled upon complaints, but Cluny, intrenched behind its boundless privileges, could afford to neglect them and consequently from that time on sank steadily in prestige. It remained as a vast rich corporation with its houses scattered all over the soil of France and England. The *Maison de Cluny* at Paris, now converted into a museum of antiquities, remains to show the splendor of its outward equipment.

The Rise of Cîteaux.

Meanwhile a new impulse had begun to make itself felt, also upon French soil, so fertile at this time in intellectual energy of every sort. While the Cluniac houses had been chiefly in the cities, the new foundations of Cîteaux were by preference made in the depths of solitary wildernesses. The original Benedictine fervor was displayed anew and men rushed into the order with incredible eagerness. The same course is followed again. The old system resists, but, under the lead of St. Bernard, the order of Cîteaux in its turn captures the papacy and applies it to its own ends. In the thirteenth century a similar series of general chapters denounces the sins and corruptions into which it had fallen, and again a new impulse is needed to revive the flagging zeal of the ascetic spirit.

This impulse was found in an enterprise which marks a distinctly new departure. Down to the thirteenth century no essentially new element had been introduced into the orders ; with the Mendicants there comes in a spirit which we may already begin to call modern in the aptness of its adjustment to the practical need of the time. The source of all evils in the monasteries, which, in spite of immense services rendered, the authorities of the church had never been able to overlook, was the strict separation of the monastic community from the active life of the world and its consequent irresponsibility. It had proved to be more than human nature could bear, to be thus set free from all obligations to society except such as men's own consciences provided. The new problem was how to maintain the sanctity of the monastic character and yet to bring the monk into closer relations with the life about him. The solution seemed to be found by emphasizing as never before the vow of personal poverty and extending it to the order itself, so that there should be no resource for the individual monk but actually begging his bread from door to door. Furthermore the new orders were to have distinct and separate functions as reforming agents in the active life of the day. Almost at the same moment, in the early years of the thirteenth century, in Italy and in Spain appeared the first movements of the new inspiration. St. Francis of Assisi and St. Dominic were both young men of good family, who were called into activity by what seemed to them the wretchedness of the world about them. The purpose of the old monasticism had been primarily selfish, its main object the good of the soul of the monk ; the impulse of the new monasticism was in the most pronounced form a missionary one. The ambition of Dominic was to restore the purity of the faith already endangered by the rise of heretical thought; the aim of Francis was to kindle anew the flame of personal religious fervor and to spread it as widely as possible.

The Foundation of the Mendicant Orders.

The Dominican Order.

The Dominican order (*Fratres praedicatores*) assumed from the beginning the function of doctrinal preaching and teaching. They became the leaders in the great work of combating all those forms of religious speculation which at the beginning of the thirteenth century were threatening both the doctrine and the organization of the established church. Their first efforts were directed against unbelievers, that is Jews and Arabs, but still more effective was their work against every kind of divergence within Christianity itself. When, during the attack upon the French Albigensians, it came to the point of establishing a special force for the purpose of hunting out heresy and bringing it to trial and punishment, it was the Dominicans who offered themselves for this service, and so long as the Inquisition was maintained this order furnished its most violent and its most successful leaders.

The Franciscan Order.

The work of the Franciscans was early turned rather in the direction of studying the profounder problems of Christian thought and of influencing the masses of the people. Ecstatic piety, formerly turning itself into self-contemplation and seclusion, now found expression in works of charity and in devotion to the interests of society. The figure of St. Francis, glorified by a rapidly growing legend, became hardly second to that of Jesus in the enthusiasm of the faithful. The order of St. Clara, established immediately after that of the Franciscans, opened to women an opportunity hitherto denied them to take their place in the great work of reforming the social life of Christian Europe. The adoption of a lay membership enormously increased the influence of the new order. Within two generations we find the chief lights of the scholastic learning enrolled either among the Franciscans or the Dominicans.

The Papacy and the Mendicants.

The first applications of the two leaders for recognition by the papacy had not been warmly received. The work they proposed to do was properly the function of the episcopal clergy, and to sanction them seemed to be to confess that this function was not being properly performed. Resistance from the organized clergy was to be anticipated; but the papacy here, as so often before, was clever enough to see that in this new impulse it might secure a weapon against all forms of resistance, and after its first hesitation it gave itself to the advancement of the Mendicants as it had given itself before to that of Cluny and Cîteaux. There was no limit to the privileges that were showered upon them. The functions of the secular clergy, the administration of the sacraments and the right of preaching were given to them without stint, so that wherever they went they constituted so many interlopers in the regular and ordinary working of the parish life. Their character as exceptional persons appealed powerfully to the mediaeval imagination. Their self-denial was a reproach to the priest and the cloistered monk who were living in wealth and ease, while these bare-footed and roughly-dressed pilgrims were demonstrating in their own person the hard things they preached to others. Eventually the Mendicants in their turn fell victims to the same temptations that had ruined the earlier orders, but within our period they were unquestionably an immense power for good of the mediaeval kind.

Organization of the Mendicant Orders.

As to the organization and discipline of the Mendicant orders they differed from most of the others in having from the start a principle of unity. Each had its head, a master or general, residing at Rome, brought thus into close relation with the papacy, and exercising a strict supervision over the whole order. All Europe was parceled out into provinces, within each of which a provincial assembly elected a provincial prior and sent its representatives to a general assembly, which elected the general. Although forbidden to receive gifts beyond the necessities of life, this prohibition was evaded under every kind of pretense. The Mendicant houses were established in every city and endowed with vast sums, which were supposed to be applied in the missionary undertakings of the orders. Exempted by special enactment from every species of jurisdiction, the "friar" wandered in and out through the complex mediaeval society, admired or dreaded, petted or persecuted, the most powerful person of his age. In spite of its strictly centralized organization, the foundation principle of the mendicant orders was that of an elective democracy. Its numbers were recruited from every rank of society; its only test of value was that of practical usefulness. The freedom of the Mendicant from all ties made him an especially useful person to all rulers, who, like Louis IX in France, were struggling against the trammels of the feudal and the ecclesiastical systems. At the close of our period the most learned scholars, the most influential counselors, the greatest preachers, and even the most prominent members of the episcopal hierarchy had been trained in this most effective school. At the beginning of the next period, when the papacy was beginning to feel the first shocks of the protest which was to bring on the Reformation, it was a branch of the Franciscan order that led the attack against Rome. The mendicants are far more properly to be compared with the later Jesuits than with any order which had preceded them.

C. The Canon Law.

Foundations of the Church-Law.

The term "Canon-Law," or, better, "Church-Law," includes all those regulations, either expressed or implied, by which the church, as a whole, and the members of the clerical body as individuals, regulated their numerous and complicated interests. If we consider the subject in its strictly legal aspect we have first to inquire into the source from which the legal rights of the church and its members were derived. The church exists within human society, and it must, therefore, accept, in a greater or less degree, the same controlling authority which is acknowledged by other human interests, namely, the state. Whatever rights the church has within its own limits it can have only in so far as it is permitted to do so by the state, and the extent to which it may go in this matter depends upon the regard for it which the given state may show at a given time. The church, as a corporation within the framework of the state, may, like other corporations, make its own by-laws, and enforce them by penalties relating purely to itself, as, for instance, by denial of membership, or by refusing to give the offending member some of its peculiar privileges. Such freedom may be given to any organization of men, so long as it confines itself to amicable settlements of its affairs, and does not try to apply force to its members, or diminish any of those rights which it is the special duty of the state to protect. For instance, if the members of the order of Freemasons in any of our states should agree to submit all their differences to the arbitration of their own officers, and to abide by their decisions, the state could have no objection. It would rather welcome such an addition to the forces of law and order; but if, in carrying out such decisions, the officers of the Freemasons should attempt any violence against the person of a citizen, he would still have a right to the protection of the state. The state would not recognize the decisions of the Freemasons' court; it would simply ignore them so long as they did not interfere with its peculiar functions.

Earliest Forms of Church-Law.

Precisely similar was the position of the early church within the Roman Empire. So long as the state did not admit the right of the church to exist, it could not, of course, sanction in any way the acts of its leaders. It simply left the Christians to themselves when it did not persecute them, and thus contributed indirectly to the growth of a feeling that the only proper tribunal for Christians was that of their own officers. They did not refuse to obey the law, except when it required them to do something against their conscience, but the very idea of the heathen empire was an offense to them, and they profited by the public contempt to develop within themselves ideas of church government, which quietly bided their time. The time came when, under Constantine and his successors, the empire became Christian. Then, with the recognition of the corporation of Christians, came the necessity of defining the relations of the state to the church. This recognition itself may properly be regarded as the first step in the process of making a church-law; it provided a sanction that had until then been wanting. By a hundred years from the death of Constantine it had come to be a question whether the sanction was to be given by the state to the church, or by the church to the state. The church was no longer a corporation within the state, but it had become identical with the citizenship of the empire. As time went on this became still more clearly the case. But now a new distinction made itself felt, and partly removed the difficulty. The church came to be more and more identified with the clergy. Rights and privileges which had originally been granted to Christians, as such, were now given to the clergy as if they, and they alone, were the church. It is under this form that in the Middle Ages we have to understand the term church-law. It is the law of the corporation of the clergy. It concerns itself with defining who the clergy are, their various orders and functions, and then with regulating their rights among themselves, and in regard to the other parts of the body politic and social.

Sources of the Canon-Law.

If we ask ourselves what is the source of canon-law we shall have different answers according to the different times we are considering. At first the source was distinctly the imperial government. The Roman emperor was the head of the church as he was the head of the state. The councils, which were the organs of the church, were called by him and their decrees were valid only as he confirmed them. They were published by imperial order and formed a part of imperial as well as of ecclesiastical law. This state of things remained theoretically true in the East as long as there was a Byzantine empire; but in fact the action of the state was constantly dictated by the will of the church. In the western world the same causes contributed to the growth of an independent body of church-law, which were working in the direction of a compact and well-organized administration of church affairs in general. The neglect of Italy by the eastern emperors gave to the papacy its great opportunity, and it improved it by making good, at every point, its claim to be the sole arbiter in religious matters. All that we have said of the development of the papal power comes in here to illustrate the progress of the legal side of church life.

This claim of the papacy was not made good without resistance. The theory of the Merovingian kings of the Franks, for instance, that they were the successors of the western Roman emperors, revived the notion that the source of Frankish church-law was the state. This national idea was never quite lost sight of. The council, national or provincial, continued to be the organ of expression for the church's ideas of law, but the question was what power should give to this expression the final sanction it needed in order to become binding. Then again there was the theory of the independent right of the national or provincial church to legislate for itself without any higher sanction, and between these three ideas, the papal, the royal and the local ecclesiastical sanction, it would be a bold man indeed who should venture to say, at a given moment, precisely where the real power which gave force to church-law existed. We have still further to remember that we are in a period in which the idea of the sanctity of law, in all its forms, was weak. The formal enactments in the field of church-law are, therefore, far from giving us the assurance that men were guided in practice by the principles thus laid down. The great value of such enactments was that they gave to the parties in a dispute a something to which they could appeal, even though one party were little inclined to act in accordance with them. The most interesting aspect of church-law in the Middle Ages is, that while other legal relations were determined almost wholly by custom, without much of any actual legislation, we have here a continuous record of legal experiments made with the definite purpose of meeting certain well-defined evils. In short, it is hardly too much to say that the only legislation of a modern or creative sort, throughout our whole period, is that of the church. It was the only institution that knew just what it wanted, and took perfectly definite and well considered steps to get it.

Authorities in Rivalry with the Papacy.

The earliest codifications of church-law have already been mentioned in connection with the Isidorian Decretals. They all belong in the period before ours; in the present period there is no question, at all events after the Isidorian forgeries, that in theory the papal supremacy is the key-note of all ecclesiastical law. Other sources are to be found, but all these may be referred to the papacy as a final tribunal, and are, by some fiction or other, made to derive their authority from it. All Christendom is to be thought of as one state with a uniform system of administration, over which the pope presides. All local and provincial interests, clerical as well as political, have their justification only in so far as they acknowledge this supreme leadership. The outward consequences of this conflict have been sufficiently described in the chapter on the wars of the Investiture.

The Mediaeval Principle.

After the time of Pseudo-Isidore, we have several partial attempts to codify the existing church-law, but none that can be called complete until nearly the middle of the twelfth century, when, doubtless as a consequence of the revived interest in legal studies, a Bolognese monk named Gratian, teacher of canon-law at the university, published his famous *Decretum*. This was an attempt to put into a compact form the whole body of church-law as it rested upon the decretal system. Gratian's own name for the book was "*Concordantia discordantium canonum*," "the reconciliation of canons which (seem to) disagree." This name characterizes the value of the work. Its object is to present a complete system, and Gratian's own comments, which accompany the text of the decretals, were planned to have the same tendency. The *Decretum* was revised in the sixteenth century, after the Council of Trent, to bring it up to date, but in our own day it has again been cleared of all changes and published by a Protestant scholar in its original form. Almost precisely a hundred years after the publication of Gratian, appeared the so-called *Liber Extra* of Pope Gregory IX, and this was

The "Decretum Gratiani." 1139.

followed by a series of other compilations, all containing papal decrees intended to complete the work of Gratian. These all, together with the *Decretum*, constitute the *Corpus Juris Canonici*, technically so-called, but they bring the subject down no farther than the year 1313, with a few additions from a later time called *extravagantes*. Since then the sources of canon-law have been the recorded acts of authoritative councils and the decrees of popes, as before, but these have never as yet been collected into one publication.

1234.

Scope of the Ecclesiastical Jurisdiction.

The ecclesiastical court based its right to act upon one of two principles: it claimed jurisdiction either on account of the persons or of the subjects involved. The first consideration gave it the cognizance of all cases to which a clergyman was a party. The second brought before it all matters in which a religious element could be found. Now in our period it was impossible to find any subject which could not, by some twist or other, be called religious. One has only to consider the extravagant claims of the Hildebrandine papacy to see that pretty much every event of human life could be thought of as involving religious ideas. The most important chapter of church-law is that relating to marriage. Since marriage was a sacramental act and could, therefore, properly be celebrated only by a priest, the act itself and all the very complicated interests resulting from it were taken into the scope of the clerical jurisdiction. It was the business of canon-law to tell what was a legal marriage, and it seemed to be the interest of the church to multiply the chances of an illegal marriage in every way, by restricting the kinds of persons who might lawfully marry. From these efforts it resulted that the church determined the question of the legitimacy of children, and in this was involved the question of their rights of inheritance. An oath was a religious act;

therefore all questions involving an oath were proper subjects of canon-law. The protection of the feeble was a primary duty of religion; therefore all cases relating to widows, orphans, paupers and other defenseless persons, might come into the clerical court. The same idea is seen in the claim over cases of wills, since the execution of a will was a matter of the conscience, and this was especially the case if the property willed were to be applied *ad piam causam.* Further we find in the ecclesiastical court cases of betrothal, of fulfillment of vows, of church benefices, of rights of patronage, tithes, all cases involving church property in any way, in short, every conceivable kind of case in which the clerical or church element could, by any process whatever, be made apparent.

Criminal Jurisdiction of the Church.

The criminal jurisdiction of the church extended primarily over its own members, and this not without resistance from the state authorities. With time, however, it extended itself over laymen also, on grounds similar to those we have seen deciding the limits in regard to civil cases. The church claimed the right to punish offenses which, by any reasoning whatever, seemed to involve its peculiar interests. Its penalties were, in theory, all spiritual, involving the loss of more or less religious privilege. The chief of these was the excommunication, the lesser or the greater according to circumstances. The former shut a man out from a certain part of the sacramental functions; the latter cut him off completely from all Christian fellowship and made him practically an outlaw on the face of the earth. The secular government was supposed to support the clerical arm by making failure to remove the excommunication by absolution within a certain time, ground also for the civil ban, by which a man was declared outside the protection of all civil law. The excommunication might be

Excommunication.

pronounced by a bishop within his own diocese or by the pope anywhere. An extension of the excommunication from individuals to all the inhabitants of a given district was called the "interdict." It consisted in the suspension of all spiritual functions within the district, and, in an age when the due performance of these functions was regarded as essential to the very existence of the Christian man, it was the most effective means of coercion that could be thought of. Its very extreme character, however, made it intolerable and it was very seldom carried out in its entirety. The most effective minor punishments against laymen were in the shape of fines, administered in fulfillment of the sacrament of penance. To the point of a death sentence the church, by virtue of its spiritual character, was never allowed to go. Over clergymen themselves the disciplinary action of the church tribunals was very complete. The guilty clerk could be suspended from the functions of his office, without losing the clerical character, or for graver offenses he might be deposed, in which case he lost his immunity as a priest and might be handed over to the secular judge for sentence. For small offenses the discipline of the Middle Ages was very prompt with flogging, imprisonment, immuring in a monastery or other mild punishment.

Interdict.

Discipline of the Clergy.

Offenses against Doctrine.

As regarded one line of offenses there was never any question as to the forum : namely, all such as had reference to the dogma of the church. Belief was in the Middle Ages not a matter of choice, or of conviction, but of duty. The individual had no rights in the matter, but must submit himself without question to the dictation of the church. These offenses were grouped under three names "heresy," or a divergence in a matter of faith, "schism," which involved a separation from the established church and the foundation of a new association, and "apostasy," which was a denial of Christianity itself. Closely related to these was the crime of "simony," the purchase of any ecclesiastical good for a temporal price. Another line of cases, although primarily involving clerical interests, were treated as partly subject to state control (*fori mixti*), as, for instance, adultery, sacrilege, magic, blasphemy, perjury, usury, etc.

Organization of the Ecclesiastical Court.

The usual organ of the clerical court was the bishop, but, from the earliest times, he was required to act in conjunction with other clergymen, just as the presiding judge in civil cases was always aided by lay assessors. The process, especially in criminal cases, was in some respects peculiar, though influenced in every period and among all races by the prevailing legal customs. The earliest theory was that the Christian conscious of another's guilt would counsel him in private, and only upon his persistence in wrong-doing, would accuse him before the tribunal. As the ideas of church-law grew more definite and limited themselves primarily to the clergy, a stricter process, modeled on that of the Roman courts, came in. Under the influence of Germanic ideas of law, it was the custom for the accused clergyman to purify himself of the charge by an oath, but with time, even in the northern countries, this form of process was driven out by the Roman, and the notion of evidence was substituted for that of the oath. Towards the close of our period, under Innocent III, the whole matter was revised and placed more distinctly on a Roman basis. Besides all former methods of getting at the guilt of the accused, the process by "denunciation" was now recognized, and thus the way was prepared for the culmination of the whole system of clerical jurisdiction in the powerful and terrible tribunal of the Inquisition. The essence of the inquisitorial process is that the judge is required to search out the criminal, not to

The Inquisitorial Process.

wait for an accusation, but to act upon common report or denunciation by an individual. Thus the court became not a mere judicial body, but in a sense it was also a party interested in conviction. The theory that heresy was a crime, once adopted, led naturally to the further theory that no means for the detection and punishment of so terrible a sin could be too extreme. The vigor of the Inquisition was increased in proportion as the light of free thought began to make its influence felt upon the acceptance of the church system. Within our period it remained limited chiefly to certain specific cases of heretical depravity (*haeretica pravitas*), as for instance the Albigensian movement in the south of France. Its greatest activity and its eternal infamy belong in the following, the period of the Reformation.

Resistance of the Public Courts.

From this enumeration of the functions of the ecclesiastical courts, it is clear that the public courts must have found themselves seriously hampered in their action. The clerical jurisdiction had grown up by their side and formed a competing power against which they could not successfully contend. The result was that, long before the end of our period, we begin to see signs of impatience. The earliest direct action against the ecclesiastical courts is in England, in the famous "Constitutions of Clarendon" of the year 1164. These provided that the king should define the limits of ecclesiastical jurisdiction, that the trial of a criminal clerk should be initiated in the king's court, and that no appeals should be made to Rome without the royal permission. This protest was an incident in the larger struggle between the king and the clerical party, and shared the fortunes of that struggle. In other countries it appears in similar forms. It was a leading feature of the political reforms of the emperor Frederic II in his kingdom of Sicily and of Louis IX in his similar reforms in France. In all these protests, however, the principle of the ecclesiastical courts was not seriously questioned ; the point was that they should confine themselves to the subjects which properly belonged to them and that the decision as to what these subjects were must rest with the state. The most effectual argument against the ecclesiastical jurisdiction was found in the theory, just coming into notice at the close of our period, that the state too was a divine institution, and the head of the state therefore the only true fountain of all justice.

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